

Application for a §1915(c) Home and Community-Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state, and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

1. Request Information

- A. The **State of Kentucky** requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.
- B. **Program Title:** Michelle P. Waiver
- C. **Waiver Number:** KY. 0475
- D. **Amendment Number:** TBD
- E. **Proposed Effective Date:** 7/1/2020

2. Purpose(s) of Amendment

- A. **Purpose(s) of the Amendment.** *Describe the purpose(s) of the amendment.*

Revisions focus on policies being clarified, updated, and enhanced to offer easier interpretation and improved compliance. The purpose of this waiver amendment is to:

- Standardize service definitions across all of Kentucky's 1915(c) waiver applications as a method to improve access to the waiver provider network,
- Create consistent terms, definitions, and alignment of similar processes across waivers,
- Provide more detailed explanation of waiver processes and expectations for responsible parties,

- Introduce standards that support individualized service planning approaches across waivers,
- Confirm waiver language meets the intent of the sub-section, as per *CMS 1915(c) Instructions, Technical Guide and Review Criteria*, and
- Align waiver application service menu with service menu authorized by the Kentucky Legislature.

Specifically, this waiver amendment contains the following updates:

1. Change patient liability standard from 100% Federal poverty level (FPL) to 300% FPL;
2. Introduce new waiver waiting list policies;
3. Update service definitions to be consistent across waivers;
4. Update case management standards to align with best practices and introduce new service authorization practices;
5. Revise legally responsible individual (LRI) criteria to be more objective and based on evidence;
6. Introduce a complaints and grievances system specifically for waiver participants;
7. Streamline the critical incident reporting and investigation process;
8. Standardize waiver performance measures;
9. Align waiver service menu with authorized services and remove the following services from the waiver application:
 - a. Community access
 - b. Community guide
 - c. Community transitions
 - d. Consultative clinical and therapeutic services
 - e. Person-centered coaching
 - f. Shared living
 - g. Specialized medical equipment
 - h. Natural supports training
 - i. Transportation
 - j. Vehicle adaptations
10. Transition Occupational, Physical and Speech Therapy out of the waiver. These services are offered under Kentucky's Medicaid State Plan.

3. Nature of the Amendment

- A. **Component(s) of the Approved Waiver Affected by the Amendment.** *This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (check each that applies):*

Components of the Approved Waiver	Subsection(s)
Waiver Application	X
Appendix A Waiver Administration and Operation	X
Appendix B Participant Access and Eligibility	X
Appendix C Participant Services	X
Appendix D Participant Centered Service Planning and Delivery	X
Appendix E Participant Direction of Services	X
Appendix F Participant Rights	X
Appendix G Participant Safeguards	X
Appendix H Quality Systems Improvement	X
Appendix I Financial Accountability	X
Appendix J Cost-Neutrality Demonstration	X

- B. **Nature of the Amendment.** *Indicate the nature of the changes to the waiver that are proposed in the amendment (check each that applies):*

	Modify target groups(s)
	Modify Medicaid eligibility
X	Add/delete services
X	Revise service specifications
X	Revise provider qualifications
	Increase/decrease number of participants

	Revise cost neutrality demonstration
	Add participant-direction of services
	Other <i>Specify:</i>

Application for a §1915(c) Home and Community-Based Services Waiver

1. Request Information (1 of 3)

- A. The **State** of Kentucky requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of 1915(c) of the Social Security Act (the Act).
- B. **Program Title** (optional – this title will be used to locate this waiver in the finder): Michelle P. Waiver
- C. **Type of Request:** Amendment

Requested Approval Period: (For new waivers requesting five year approval periods, the waiver must serve individuals who are daily eligible for Medicaid and Medicare.)

	3 years	X	5 years
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Original Base Waiver Number: KY. 0475

Draft ID:

- D. **Type of Waiver** (select only one): Regular Waiver
- E. **Proposed Effective Date of Waiver being Amended:** 7/1/2020
- Approved Effective Date of Waiver being Amended:**

1. Request Information (2 of 3)

- F. **Level(s) of Care:** This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid State plan (check each that applies):

	Hospital <i>Select applicable level of care</i>
	Hospital as defined in 42 CFR 440.10 <i>If applicable, specify whether the State additionally limits the waiver to subcategories of the hospital level of care:</i>

		Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR 440.160
X	Nursing Facility <i>Select applicable level of care</i>	
	X	Nursing Facility as defined in 42 CFR 440.40 and 42 CFR 440.155 <i>If applicable, specify whether the State additionally limits the waiver to subcategories of the nursing facility level of care:</i>
		Institution for Mental Disease for persons with mental illness aged 65 and older as provided in 42 CFR 440.140
X	Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR 440.150) <i>If applicable, specify whether the State additionally limits the waiver to subcategories of the ICF/IID level of care:</i>	

1. Request Information (3 of 3)

- G. **Concurrent Operation with Other Programs.** *This waiver operates concurrently with another program (or programs) approved under the following authorities*

Select one:

X	Not applicable		
	Applicable <i>Check the applicable authority or authorities:</i>		
		Services furnished under the provisions of 1915(a)(1)(a) of the Act and described in Appendix I	
		Waiver(s) authorized under 1915(b) of the Act. <i>Specify the 1915(b) waiver program and indicate whether a 1915(b) waiver application has been submitted or previously approved:</i>	
		Specify the 1915(b) authorities under which this program operates (check each that applies):	
			1915(b)(1) (mandated enrollment to managed care)
			1915(b)(2) (central broker)

		1915(b)(3) (employ cost savings to furnish additional services)
		1915(b)(4) (selective contracting/limit number of providers)
		A program operated under 1932(a) of the Act. <i>Specify the nature of the State Plan benefit and indicate whether the State Plan Amendment has been submitted or previously approved:</i>
		A program authorized under 1915(i) of the Act.
		A program authorized under 1915(j) of the Act.
		A program authorized under 1115 of the Act. <i>Specify the program:</i>

H. Dual Eligibility for Medicaid and Medicare.

Check if applicable:

X	This waiver provides services for individuals who are eligible for both Medicare and Medicaid.
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2. Brief Waiver Description

Brief Waiver Description. *In one page or less, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g. the roles of state, local and other entities), and service delivery methods.*

A. Purpose:

The purpose of this waiver is to prevent institutionalization of waiver participants by offering effective, individualized services that ensure the health, safety and welfare of participants so they may remain in their own home and community.

B. Goals:

Waiver participants:

- Are safe and healthy while living in the community,
- Receive effective and individualized assistance, and
- Have easy access and choice to waiver services.

C. Objectives:

1. Identify individualized needs through an assessment process leading to a comprehensive person-centered service plan,
2. Ensure home and community based services are comprehensive alternatives to institutional services,

3. Improve information, access, and utilization of community based services,
4. Enhance provider competency and continuity of care by enhancing certification and training requirements, and
5. Clarify rights and responsibilities of employers and employees in participant-directed services,

D. Organizational Structure:

The Department for Medicaid Services (Department) exercises administrative discretion in the operation of the waiver and in setting policies, rules and regulations related to the waiver. The Department or their designee will serve as the operating entity through a memorandum of agreement with the Department.

E. Service Delivery Methods:

The waiver offers statewide availability of traditional services and the ability to self-direct non-medical services. Participants can choose either all traditional, all participant-directed, or a combination (blend) of traditional and participant-directed services.

3. Components of the Waiver Request

The waiver application consists of the following components. Note: Item 3-E must be completed.

- A. ***Waiver Administration and Operation. Appendix A specifies the administrative and operational structure of this waiver.***
- B. ***Participant Access and Eligibility. Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the State expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.***
- C. ***Participant Services. Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.***
- D. ***Participant-Centered Service Planning and Delivery. Appendix D specifies the procedures and methods that the State uses to develop, implement and monitor the participant-centered service plan (of care).***
- E. ***Participant-Direction of Services. When the State provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (Select one):***

X	Yes. This waiver provides participant direction opportunities. Appendix E is required.
	No. This waiver does not provide participant direction opportunities. Appendix E is not required.

- F. **Participant Rights.** **Appendix F** specifies how the State informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. **Participant Safeguards.** **Appendix G** describes the safeguards that the State has established to assure the health and welfare of waiver participants in specified areas.
- H. **Quality Improvement Strategy.** **Appendix H** contains the Quality Improvement Strategy for this waiver.
- I. **Financial Accountability.** **Appendix I** describes the methods by which the State makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. **Cost-Neutrality Demonstration.** **Appendix J** contains the State's demonstration that the waiver is cost-neutral.

4. Waiver(s) Requested

- A. **Comparability.** The State requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in **Appendix C** that are not otherwise available under the approved Medicaid State plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in **Appendix B**.
- B. **Income and Resources for the Medically Needy.** Indicate whether the State requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (select one):

	Not Applicable
	No
X	Yes

- C. **Statewideness.** Indicate whether the State requests a waiver of the statewideness requirements in §1902(a)(1) of the Act (select one):

X	No
	Yes If yes, specify the waiver of statewideness that is requested (check each that applies):
	Geographic Limitation. A waiver of statewideness is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the State. Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:

		<p>Limited Implementation of Participant-Direction. <i>A waiver of statewideness is requested in order to make participant-direction of services as specified in Appendix E available only to individuals who reside in the following geographic areas or political subdivisions of the State. Participants who reside in these areas may elect to direct their services as provided by the State or receive comparable services through the service delivery methods that are in effect elsewhere in the State.</i></p> <p><i>Specify the areas of the State affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:</i></p>

5. Assurances

In accordance with 42 CFR §441.302, the State provides the following assurances to CMS:

- A. **Health & Welfare:** The State assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:

As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver,

1. Assurance that the standards of any State licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The State assures that these requirements are met on the date that the services are furnished; and,
2. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable State standards for board and care facilities as specified in **Appendix C**.

- B. **Financial Accountability.** The State assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.

- C. **Evaluation of Need:** The State assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.

- D. **Choice of Alternatives:** The State assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:

1. Informed of any feasible alternatives under the waiver, and

2. Given the choice of either institutional or home and community-based waiver services.

Appendix B specifies the procedures that the State employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.

- E. **Average Per Capita Expenditures:** The State assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid State plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in Appendix J.
- F. **Actual Total Expenditures:** The State assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the State's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.
- G. **Institutionalization Absent Waiver:** The State assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.
- H. **Reporting:** The State assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid State plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. **Habilitation Services.** The State assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. **Services for Individuals with Chronic Mental Illness.** The State assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the State has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the State has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

6. Additional Requirements

Note: Item 6-I must be completed.

- A. **Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in Appendix

D. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including State plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.

- B. Inpatients.** *In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.*
- C. Room and Board.** *In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the State that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in Appendix I.*
- D. Access to Services.** *The State does not limit or restrict participant access to waiver services except as provided in Appendix C.*
- E. Free Choice of Provider.** *In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the State has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.*
- F. FFP Limitation.** *In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.*
- G. Fair Hearing:** *The State provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. Appendix F specifies the State's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.*
- H. Quality Improvement.** *The State operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the State assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The State further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the*

waiver is in effect, the State will implement the Quality Improvement Strategy specified in Appendix H.

I. **Public Input.** *Describe how the State secures public input into the development of the waiver:*

- The Kentucky Department for Medicaid Services began an exhaustive review of its 1915(c) waivers in 2017. To reach out to stakeholders and collect feedback in the initial assessment and planning process, the Department used the following methods:
 - Focus Groups. The Department hosted 40 focus groups across the State to speak with stakeholders to get an understanding of the changes that were most impactful to stakeholders.
 - Dedicated Email Box. The Department established a widely publicized email box to receive comments and questions from stakeholders at large.
 - Email Repository. Established continually updated email list of all stakeholders who contacted the Department with comments or provided an email address through in person meetings.
 - Assessment Report. Released a 300+ page assessment report of the waivers (authored by a contracted entity) that went into great detail about the climate of the State, nation, and provided 11 recommendations for enhancing the 1915(c) waivers.
 - Formal Response. The Department released a formal response that laid out the framework for the redesign of the waivers.
 - Town Halls. The Department hosted 10 town halls to inform the public about the recommendations and the plan moving forward. The town halls also allowed for public testimony.
 - Frequently Asked Questions (FAQ). The Department published and updated an FAQ document to provide consistent and timely responses to the most frequently asked questions.
- After the assessment was complete, the Department drafted this waiver application amendment to reflect appropriate changes and incorporate stakeholder feedback. The Department then began the formal public comment period as required by CMS. The Department:
 - Released a public notice to start the formal public comment period on March 15, 2019. This was posted in all local DCBS offices, posted on the website, shared through social media, and emailed to our email repository.
 - Posted the waiver amendment and educational summary documents on the Department website on March 15th for public comment.
 - Hosted a stakeholder webinar shortly after the public comment period and began to educate the public about the changes.

- Collected public comment from stakeholders through April 15th, 2019. Providing the option to submit through a) email b) writing c) telephonic. Over 400 individual comments were received.
- Analyzed and published official Department response to public comments on June 10, 2019.
- Hosted public town hall meetings including meet and greet and Q and A sessions on June 11th through June 24th.
- Continued to publish periodic FAQ documents.

J. **Notice to Tribal Governments.** *The State assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.*

K. **Limited English Proficient Persons.** *The State assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). Appendix B describes how the State assures meaningful access to waiver services by Limited English Proficient persons.*

7. Contact Person(s)

A. *The Medicaid agency representative with whom CMS should communicate regarding the waiver is:*

Last Name: Smith

First Name: Pam

Title: Director, Division of Community Alternatives

Agency: Department for Medicaid Services, Cabinet for Health and Family Services

Address: 275 East Main Street 6W-B

Address 2:

City: Frankfort

State: KY

Zip: 40621

Phone: 502-564-7540

Ext: 2105

TTY:

Fax:

E-mail: Pam.Smith@ky.gov

- B. *If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:*

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Zip:

Phone:

Ext:

TTY:

Fax:

E-mail:

Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the State's request to amend its approved waiver under §1915(c) of the Social Security Act. The State affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The State further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional

requirements specified in Section VI of the approved waiver. The State certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

Signature:

State Medicaid Director or Designee

Submission Date:

Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.

Last Name: Smith

First Name: Pam

Title: Director, Division of Community Alternatives

Agency: Department for Medicaid Services, Cabinet for Health and Family Services

Address: 275 E. Main 6W-B

Address 2:

City: Frankfort

State: Kentucky

Zip: 40621

Phone: 502-564-7540

Ext:

TTY:

Fax: 502-564-7540

E-mail: Pam.Smith@ky.gov

Attachments

Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

<input type="checkbox"/>	Replacing an approved waiver with this waiver.
<input type="checkbox"/>	Combining waivers.
<input type="checkbox"/>	Splitting one waiver into two waivers.
<input checked="" type="checkbox"/>	Eliminating a service.

	Adding or decreasing an individual cost limit pertaining to eligibility
X	Adding or decreasing limits to a service or a set of services, as specified in Appendix C.
	Reducing the unduplicated count of participants (Factor C).
	Adding new or decreasing a limitation on the number of participants served at any point in time.
	Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.
	Making any changes that could result in reduced services to participants.

Specify the transition plan for the waiver:

The intention of this waiver amendment is to standardize waiver service names, definitions, operations, and processes to the extent possible, across all of Kentucky's 1915(c) waiver programs. Although service names may change, the intention and availability of services do not change. Updates made to services definitions, limitations and provider qualifications are intended to clarify existing program policies and regulations. Therefore, the Department of Medicaid Services (Department) does not anticipate participants will experience a reduction in services and a transition plan is not necessary. The Department will continue to engage stakeholders to inform participants regarding these waiver updates via webinars, FAQs, public notices, and other electronic and printed notifications. Through this stakeholder engagement as well as standard Department policy, participants continue to have the right to request a Fair Hearing through the Department's standard process. The office of the Ombudsman is always available to address participant concerns.

This waiver makes the following changes to the menu of services covered:

New Service Added or Modified

- "Financial Management Services" has always been provided as a service. In the current approved waiver, "Financial Management Services" was inadvertently not listed in Appendix C as a separate service however, it is called out in Appendix E as an available service.

Service With a Name Change Only

- "Adult Day Health" is now "Adult Day Health Care".
- "Respite" changed to "Non-specialized Respite"
- "Environmental Accessibility and Adaption Services" is now "Environmental and Minor Home Modifications" (note change to service limits below)
- "Person Centered Coaching" is now "Positive Behavior Coaching"
- "Positive Behavior Supports" is now "Positive Behavior Planning"

Service Unbundled or Combined from Currently Approved Waiver Service

- “Community Guide” as named is no longer a service. “Community Guide” and “Community Access” were providing duplicate services. “Community Access” will remain as the standardized service name.

Removed Service

- “Assessment/Reassessment” is an available service however it is not paid using the Medicaid Management Information System (MMIS). The Department pays for this service via an agreement with the Community Mental Health Centers (CMHCs). The CMHCs provide and will continue to provide assessments and reassessments. Consequently, Appendices I and J will not list “Assessments/Reassessments” as a separate covered service for this waiver.
- “Occupational Therapy” is now available as a Medicaid State Plan service
- “Physical Therapy” is now available as a Medicaid State Plan service
- “Speech Therapy” is now available as a Medicaid State Plan service

Continuation of Existing Services

- Attendant Care
- Case Management
- Community Access
- Day Training
- Goods and Services (note change to service limits below)
- Home making
- Personal Assistance
- Supported Employment

Services That Were Never Approved in Regulations But Were Listed Inadvertently in Prior Waiver

- “Community Transition”
- “Consultative Clinical and Therapeutic Services”
- “Natural Support Training”
- “Shared Living”
- “Specialized Medical Equipment and Supplies”
- “Transportation”
- “Vehicle Adaptation”

Other notable updates the Department is undertaking with this waiver include:

- Use of in-house service authorizations. The Department and its designee will now be conducting service authorizations. Formerly the Department contracted with an outside organization to conduct service authorizations. This allows the Department more timely and easier access to service authorizations and monitoring of compliance with established requirement. This change allows for quicker authorizations and turnaround for case managers and more person-centered planning for the participant;

- Adjusting service limits to provide more flexibility to participants overall when needing to modify their homes. The adjustments in service limits allow participants to use the funds for more costly modifications, such as updating a bathroom.
 - Increase in lifetime service limit for Environmental and Minor Home Modifications from \$8,000 to \$10,000;
 - Decrease in service limit for Goods and Services from \$1,800 to \$1,500 per level of care service year
- Implementing Call Center Help Desk: A real time resource for case managers and providers to respond to service authorization questions and other requests for information. The Department listened to stakeholder feedback regarding the need for prompt access to technical assistance and clarification regarding the service authorization process,
- Developing numerous manuals and standard operation procedures (SOPs) for both internal Department use and to provide technical assistance and training to providers.
- Shifting to consistent use of a participant's plan of care year timeframe rather than mixed use of plan of care year or calendar year for reviewing participant's service limits. This consistent timeframe application will reduce confusion and make it easier for participants and case managers to track and understand.

Attachment #2: Home and Community-Based Settings Waiver Transition Plan.

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.

To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required. Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.

Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

Update From Kentucky's 1915 (c) MPW Waiver Transition Plan Related to HCBS Settings Final Rule

On March 17, 2014, updated Home and Community-Based Services (HCBS) Final Rule became effective in the Federal Register for 1915(c) waivers, 1915(i) State Medicaid Plan services, and 1915(k) Community First Choice State Plan option. For the 1915(c) waivers, these Rules included several requirements for HCBS in the following areas:

- All residential and non-residential settings;
- Provider-owned residential settings;
- Person-centered planning process;
- Service plan requirements; and
- Conflict-free case management.

The goal of the HCBS Final Rule is to improve the services rendered to HCBS participants and to maximize the opportunities to receive services in integrated settings to realize the benefits of community living. The Centers for Medicare & Medicaid Services (CMS) allowed five years (until March 17, 2019) for states and providers to transition into compliance with the settings requirements. **The Commonwealth of Kentucky (KY) Department for Medicaid Services (Department) has completed requirements and is in compliance with the HCBS Settings Final Rule for 1915(c) waivers.**

The Department operates the Michelle P. (MPW) waiver under the 1915(c) benefit. The MPW waiver includes the option for Participant-Directed Services (PDS). MPW participants are individuals from birth onwards with an intellectual disability, developmental disability or both and meet the ICF/IID level of care or nursing facility level of care as defined in the 907 KAR 1:022 and 907 KAR 2:025, but are able to remain in the community or return to their homes.

The Department's submitted Statewide Transition Plan (STP) described Kentucky's process and remedial actions to bring this waiver into compliance with the HCBS Settings Final Rule including outcomes from a systemic assessment. **Kentucky's STP was one of the first approved by CMS.** Commissioner Miller received formal approval indicating Kentucky's STP brings settings into compliance with the federal HCBS regulation found in 42 CFR Section 441.301(c)(4)(5) and Section 441.710(a)(1)(2) on June 2, 2016 from Ralph Lollar, Director, Division of Long Term Services and Supports, CMS. In addition to meeting the HCBS Settings Final Rule, the Department made changes to its 1915(c) waivers to improve and facilitate integration and access of waiver participants into the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals not receiving Medicaid HCBS.

The Department conducted assessments to determine the compliance of each waiver with the HCBS Settings Final Rule at the State level. The Department conducted provider surveys and implemented State and provider remedial actions. The remedial strategy and changes focused on:

- 1) Updating policy and regulations;
- 2) Improving technology;
- 3) Streamlining operations;

- 4) More efficient and comprehensive monitoring processes; and
- 5) Submitting this waiver application to reflect MPW program enhancements.

Additional Needed Information (Optional)

Provide additional needs information for the waiver (optional):

Appendix A: Waiver Administration and Operation

1. **State Line of Authority for Waiver Operation.** *Specify the state line of authority for the operation of the waiver (select one):*

	<p>The waiver is operated by the State Medicaid agency.</p> <p><i>Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (select one):</i></p>
	<p>The Medical Assistance Unit</p> <p><i>Specify the unit name:</i></p>
	<p>Another division/unit within the State Medicaid agency that is separate from the Medical Assistance Unit.</p> <p><i>Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency:</i></p>
X	<p>The waiver is operated by a separate agency of the State that is not a division/unit of the Medicaid agency.</p> <p><i>Specify the division/unit name:</i></p> <p>The Department for Behavioral Health, Developmental and Intellectual Disabilities (BHDID)</p>

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (Complete item A-2-b).

2. **Oversight of Performance.**

- A. **Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** *When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c)*

the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

As indicated in section 1 of this appendix, the waiver is not operated by another Division/Unit within the State Medicaid Agency, thus this section does not need to be completed.

- B. Medicaid Agency Oversight of Operating Agency Performance.** *When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:*

The Department has a written Memorandum of Agreement (MOA) with their sister agencies, Department of Behavioral Health Developmental and Intellectual Disabilities (DBHDID) and Department of Aging and Independent Living (DAIL) that is reviewed annually and is updated as needed. The Department may delegate some of the operating functions through the MOA. Functions that may be delegated may include, but is not limited to:

1. Quality assurance and quality improvement activities. Quality assurance and improvement activities including but not limited to, provider certification and recertification reviews, monitoring of critical incidents and mortality reviews,
2. Review of PDS legally responsible individual requests, and
3. Technical assistance and training.

The Department monitors sister agencies' compliance with MOA and waiver requirements for delegated functions using the following methods:

1. Collecting and reviewing required monitoring reports in accordance with the MOA, and
2. Conducting monthly meetings between the Medicaid and sister agencies.

- 1. Use of Contracted Entities.** *Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (select one):*

X	<p>Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).</p> <p><i>Specify the types of contracted entities and briefly describe the functions that they perform. Complete Items A-5 and A-6.:</i></p> <p>The Department contracts with DXC as a fiscal agent to pay claims through the Medicaid Management Information System (MMIS). The Department has MOAs, as noted above, with the sister agencies and an additional MOA, through the Department, with Department of Community Based Services (DCBS) for review of</p>
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	financial eligibility and Community Mental Health Centers to conduct level of care assessments.
	No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).

2. Role of Local/Regional Non-State Entities. *Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (Select one):*

X	Not applicable
	Applicable - Local/regional non-state agencies perform waiver operational and administrative functions. <i>Check each that applies:</i>
	Local/Regional non-state public agencies <i>perform waiver operational and administrative functions at the local or regional level. There is an interagency agreement or memorandum of understanding between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.</i> <i>Specify the nature of these agencies and complete items A-5 and A-6:</i>
	Local/Regional non-governmental non-state entities <i>conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The contract(s) under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).</i> <i>Specify the nature of these entities and complete items A-5 and A-6:</i>

3. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities. *Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:*

The Department for Medicaid Services (Department) is responsible for assessing the performance of the contracted entities providing the functions described in section 3 of this appendix.

4. Assessment Methods and Frequency. *Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:*

The Department assesses the performance of the contracted entities bi-annually through policy clarification and reporting as stipulated in each entity's contract.

5. Distribution of Waiver Operational and Administrative Functions. *In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (check each that applies):*

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency.

Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.

Function	Medicaid Agency	Operating Agency	Contracted Entity
<i>Participant waiver enrollment</i>	X	X	
<i>Waiver enrollment managed against approved limits</i>	X	X	
<i>Waiver expenditures managed against approved levels</i>	X		
<i>Level of care evaluation</i>	X	X	X
<i>Review of Participant service plans</i>	X	X	
<i>Prior authorization of waiver services</i>	X		
<i>Utilization management</i>	X		
<i>Qualified provider enrollment</i>	X	X	
<i>Execution of Medicaid provider agreements</i>	X		
<i>Establishment of a statewide rate methodology</i>	X		
<i>Rules, policies, procedures and information development governing the waiver program</i>	X	X	
<i>Quality assurance and quality improvement activities</i>	X	X	

Appendix A: Waiver Administration and Operations

Quality Improvement: Administrative Authority of the Since Medicaid Agency

A. Methods for Discovery:

Methods for Discovery:	<i>The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.</i>					
Sub-assurance:	N/A					
Performance measure:	Percent of required reports contracted entities provided to Department within the required timeframes. N=Number of required reports contracted entities provided to Department in required timeframes. D=The number of required reports due to Department within the required timeframes. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Reports submitted to DMS						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Contracted Entities	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:

				Other		
				Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
	X	Operating Agency		X	Monthly	
		Sub-State Entity		X	Quarterly	
		Other			Annually	
		Specify:				
					Continuously and Ongoing	
					Other	
					Specify:	

Methods for Discovery:	<i>The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.</i>					
Sub-assurance:	N/A					
Performance measure:	Percent of required reports operating agencies provided to Department in required timeframes. N=Number of reports operating agencies provided to Department in required timeframes. D=Number of required reports operating agency was required to provide to the Department within the required timeframes. The Department will submit annual report to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Reports submitted to DMS						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review
						Confidence interval:

		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Representative Sample</i>
		<i>Other</i>	X	<i>Annually</i>		<i>Confidence interval= Stratified.</i>
		<i>Specify:</i>		<i>Continuously and Ongoing</i>		<i>Describe Group: Other</i>
				<i>Other</i>		<i>Specify:</i>

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i>	X	<i>Annually</i>
		<i>Specify:</i>		<i>Continuously and Ongoing</i>
				<i>Other</i>
				<i>Specify:</i>

Methods for Discovery:	<i>The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.</i>
Sub-assurance:	<i>N/A</i>
Performance measure:	Percent of provider certifications and re-certifications by Dept or designee in accordance to ongoing schedule. N=# of provider certs/recerts completed in accordance to on-going provider schedule. D=Number of provider certifications/recertifications required to be completed in accordance with schedule. Department will submit annual report to CMS of quarterly data aggregated & reviewed by Dept.
Data Source: Provider certification documentation	

Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
X	State Medicaid Agency		Weekly	X	100% Review
X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
	Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
			Continuously and Ongoing		Other Specify:
			Other Specify:		
Data Aggregation and Analysis					
Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
X	State Medicaid Agency			Weekly	
X	Operating Agency			Monthly	
	Sub-State Entity		X	Quarterly	
	Other Specify: Contracted entity		X	Annually	
				Continuously and Ongoing	
				Other Specify:	

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Identified problems are researched and addressed by the Department through the use of generated quarterly reports. The Department monitors to ensure that contract objectives and goals are met as appropriate.

B. Method for Remediation/Fixing Individual Problems

- i. *Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

Identified problems are researched and addressed by the Department through the use of generated monthly reports. The Department monitors to ensure that contract objectives and goals are met as appropriate. Should the delegated entity not meet the requirements then a corrective action plan is required and/or a recoupment of funds may occur.

- ii. **Remediation Data Aggregation**

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	<i>State Medicaid Agency</i>		<i>Weekly</i>
X	<i>Operating Agency</i>		<i>Monthly</i>
	<i>Sub-State Entity</i>	X	<i>Quarterly</i>
	<i>Other Specify:</i>	X	<i>Annually</i>
			<i>Continuously and Ongoing</i>
			<i>Other Specify:</i>

C. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

X	No
	Yes <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

Appendix B: Participant Access & Eligibility

Appendix B-1: Specification of the Waiver Target Group(s)

- A. **Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:

Target Group		Included	Target Sub-Group	Minimum Age	Maximum Age	
					Maximum Age Limit	No Maximum Age Limit
<input type="checkbox"/>	Aged or disabled, or both – General					
			Aged			
			Disabled (physical)			
			Disabled (other)			
<input type="checkbox"/>	Aged or disabled, or both – Specific recognized subgroups					
			Brain Injury			
			HIV/AIDS			
			Medically Fragile			

Target Group		Included	Target Sub-Group	Minimum Age	Maximum Age	
					Maximum Age Limit	No Maximum Age Limit
			Technology Dependent			
X	Intellectual Disability or Developmental Disability, or Both					
			Autism			
		X	Developmental Disability	0		X
		X	Intellectual Disability	0		X
	Mental Illness					
			Mental Illness			
			Serious Emotional Disturbance			

B. **Additional Criteria.** The State further specifies its target group(s) as follows:

Individuals with a developmental disability who meet Nursing Facility Level of Care or individuals with an intellectual disability who meet ICF/IID Level of Care regulation as defined in 907 KAR 1:022 and 907 KAR 2:025.

C. **Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (select one):

X	Not applicable. There is no maximum age limit
	The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.

Appendix B-2: Individual Cost Limit (1 of 2)

- A. **Individual Cost Limit.** *The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (select one). Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:*

X	No Cost Limit. <i>The State does not apply an individual cost limit. Do not complete Item B-2-b or item B-2-c.</i>		
	Cost Limit in Excess of Institutional Costs. <i>The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. Complete Items B-2-b and B-2-c.</i>		
	The limit specified by the State is (select one)		
		A level higher than 100% of the institutional average. <i>Specify the percentage:</i>	
		Other <i>Specify:</i>	
	Institutional Cost Limit. <i>Pursuant to 42 CFR 441.301(a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. Complete Items B-2-b and B-2-c.</i>		
	Cost Limit Lower Than Institutional Costs. <i>The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver.</i> <i>Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.</i>		
	The cost limit specified by the State is (select one):		
		The following dollar amount: <i>Specify dollar amount:</i>	
	The dollar amount (select one)		
		Is adjusted each year that the waiver is in effect by applying the following formula:	

		Specify the formula:
		May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.
		The following percentage that is less than 100% of the institutional average: Specify percent:
		Other: Specify:

Appendix B-2: Individual Cost Limit (2 of 2)

Answers provided in Appendix B-2 -a indicate that you do not need to complete this section.

Appendix B-3: Number of Individuals Served (1 of 4)

- A. **Unduplicated Number of Participants.** *The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:*

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	10500
Year 2	10500
Year 3	10500
Year 4	10500
Year 5	10500

- B. **Limitation on the Number of Participants Served at Any Point in Time.** *Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: (select one):*

X	<i>The State does not limit the number of participants that it serves at any point in time during a waiver year.</i>
	<i>The State limits the number of participants that it serves at any point in time during a waiver year.</i>

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	N/A
Year 2	N/A
Year 3	N/A
Year 4	N/A
Year 5	N/A

Appendix B-3: Number of Individuals Served (2 of 4)

- C. **Reserved Waiver Capacity.** The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State (select one):

X	<i>Not applicable. The state does not reserve capacity.</i>		
	<i>The State reserves capacity for the following purpose(s).</i>		
	Purpose(s) the State reserves capacity for:		
	Purpose (provide a little or short description to use for lookup):		
	Purpose (describe):		
	Describe how the amount of reserved capacity was determined:		
	The Capacity that the state reserves in each wavier year is specified in the following table:	Year 1	
		Year 2	
Year 3			

		Year 4	
		Year 5	

Appendix B-3: Number of Individuals Served (3 of 4)

- D. **Scheduled Phase-In or Phase-Out.** *Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule (select one):*

X	<i>The waiver is not subject to a phase-in or a phase-out schedule.</i>
	<i>The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.</i>

- E. **Allocation of Waiver Capacity.** *Select one:*

X	<i>Waiver capacity is allocated/managed on a statewide basis.</i>
	<i>Waiver capacity is allocated to local/regional non-state entities.</i>
	<i>Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:</i>

- F. **Selection of Entrants to the Waiver.** *Specify the policies that apply to the selection of individuals for entrance to the waiver:*

When a waiver has open slots, eligible applicants are selected for entrance based on the date of their application. If the waiver has a wait list, entrants will be selected based on emergent risk as evidenced by the following circumstances:

- Abuse, neglect, and/or exploitation of the participant or perpetrated by the participant and substantiated by DCBS.
- Death of a primary caregiver with the lack of an alternative caregiver.
- Jeopardy to the participant's health and safety due to the primary caregiver's physical or mental health status.
- Imminent institutionalization in a long-term care facility.
- Discharge from institutional setting with additional needs.

Appendix B-3: Number of Individuals Served (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

Appendix B-4: Eligibility Groups Served in the Waiver

A.

1. **State Classification.** The State is a (select one):

<input checked="" type="checkbox"/>	§1634 State
<input type="checkbox"/>	SSI Criteria State
<input type="checkbox"/>	209(b) State

2. **Miller Trust State.** Indicate whether the State is a Miller Trust State (select one):

<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	Yes

B. **Medicaid Eligibility Groups Served in the Waiver.** *Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applies all applicable federal financial participation limits under the plan. Check all that apply:*

Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR 435.217)

<input type="checkbox"/>	Low income families with children as provided in §1931 of the Act
<input checked="" type="checkbox"/>	SSI recipients
<input type="checkbox"/>	Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121
<input type="checkbox"/>	Optional State supplement recipients
<input type="checkbox"/>	Optional categorically needy aged and/or disabled individuals who have income at: <i>Select one:</i>
<input type="checkbox"/>	<input type="checkbox"/> 100% of the Federal poverty level (FPL)
<input type="checkbox"/>	<input type="checkbox"/> % of FPL, which is lower than 100% of FPL. <i>Specify percentage:</i>
<input type="checkbox"/>	Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)
<input type="checkbox"/>	Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)

	Working individuals with disabilities who buy into Medicaid (TWWIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)
	Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)
	Medically needy in 209(b) States (42 CFR §435.330)
X	Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)
X	Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver) <i>Specify:</i> The federal regulatory criteria for eligibility groups that are covered under the State Medicaid Plan that the state proposes to include under this waiver renewal includes: 42 CFR 435:110 Parents and other caregiver relatives 42 CFR 435:116 Pregnant Women; and 42 CFR 435:118 Children

Special home and community-based waiver group under 42 CFR §435.217) *Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed*

	<i>No. The State does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.</i>
X	<i>Yes. The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.</i>

Select one and complete Appendix B-5.

	X	All individuals in the special home and community-based waiver group under 42 CFR §435.217.
		Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217 <i>Check each that applies:</i>
		A special income level equal to:

			Select one:
			300% of the SSI Federal Benefit Rate (FBR)
			A percentage of FBR, which is lower than 300% (42 CFR §435.236) Specify percentage:
			A dollar amount which is lower than 300%. Specify dollar amount:
			Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)
			Medically needy without spenddown in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)
			Medically needy without spend down in 209(b) States (42 CFR §435.330)
			Aged and disabled individuals who have income at: Select one:
			100% of FPL
			% of FPL, which is lower than 100%. Specify percentage amount:
			Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver) Specify:

Appendix B-5: Post-Eligibility Treatment of Income (1 of 7)

In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.

- A. **Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.

X	<p>Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State uses spousal post-eligibility rules under §1924 of the Act.</p> <p><i>Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.</i></p> <p><i>Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).</i></p>	
X	<p>Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.</p> <p>In the case of a participant with a community spouse, the State elects to (select one):</p>	
	X	<p>Use spousal post-eligibility rules under §1924 of the Act.</p> <p><i>(Complete Item B-5-b (SSI State) and Item B-5-d)</i></p>
		<p>Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)</p> <p><i>(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)</i></p>
	<p>Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse.</p> <p><i>(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)</i></p>	

Appendix B-5: Post-Eligibility Treatment of Income (2 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

- B. Regular Post-Eligibility Treatment of Income: SSI State.** *The State uses the post-eligibility rules at 42 CFR 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:*

- i. **Allowance for the needs of the waiver participant** (select one):

X	<p>The following standard included under the State plan</p> <p><i>Select one:</i></p>
---	--

		SSI standard
		Optional State supplement standard
		Medically needy income standard
	X	The special income level for institutionalized persons (select one):
	X	300% of the SSI Federal Benefit Rate (FBR)
		A percentage of the FBR, which is less than 300% Specify the percentage:
		A dollar amount which is less than 300%. Specify dollar amount:
		A percentage of the Federal poverty level Specify percentage:
		Other standard included under the State Plan Specify:
	The following dollar amount Specify dollar amount:	
	The following formula is used to determine the needs allowance: Specify:	
	Other Specify:	

ii. **Allowance for the spouse only (select one):**

X	Not Applicable
	The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided: Specify:
	Specify the amount of the allowance (select one):
	SSI standard

	Optional State supplement standard
	Medically needy income standard
	The following dollar amount: <i>Specify dollar amount.</i>
	The amount is determined using the following formula: <i>Specify.</i>

iii. **Allowance for the family** *(select one):*

	Not Applicable (see instructions)
	AFDC need standard
X	Medically needy income standard
	The following dollar amount: <i>Specify dollar amount: ____ The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.</i>
	The amount is determined using the following formula: <i>Specify.</i>
	Other <i>Specify.</i>

iv. **Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:**

- a. *Health insurance premiums, deductibles and co-insurance charges*
- b. *Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.*

Select one:

	Not Applicable (see instructions) <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>
X	The State does not establish reasonable limits.
	The State establishes the following reasonable limits

	Specify:
--	----------

Appendix B-5: Post-Eligibility Treatment of Income (3 of 7)

C. Regular Post-Eligibility Treatment of Income: 209(B) State.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B-5: Post-Eligibility Treatment of Income (4 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

- D. **Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules.** *The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).*

i. **Allowance for the personal needs of the waiver participant**

	SSI standard
	Optional State supplement standard
	Medically needy income standard
	The special income level for institutionalized persons
	A percentage of the Federal poverty level Specify percentage:
	The following dollar amount: Specify dollar amount: <i>If this amount changes, this item will be revised</i>
X	The following formula is used to determine the needs allowance: Specify formula: 300% SSI Standard plus the \$20 General Exclusion
	Other Specify:

- ii. **If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain**

why this amount is reasonable to meet the individual's maintenance needs in the community.

Select one:

X	<i>Allowance is the same</i>
	<i>Allowance is different.</i>

Explanation of difference:

- iii. **Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:**
- a. *Health insurance premiums, deductibles and co-insurance charges*
 - b. *Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.*

Select one:

	<i>Not Applicable (see instructions)</i> Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.
X	<i>The State does not establish reasonable limits.</i>
	<i>The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.</i>

Appendix B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

E. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

F. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B-5: Post-Eligibility Treatment of Income (7 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

- G. **Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.** *The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).*

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

- A. **Reasonable Indication of Need for Services.** *In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State's policies concerning the reasonable indication of the need for services:*

i. **Minimum Number of Services.**

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

2

ii. **Frequency of services.** *The State requires (select one):*

X	The provision of waiver services at least monthly
	Monthly monitoring of the individual when services are furnished on a less than monthly basis
	If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

- B. **Responsibility for Performing Evaluations and Reevaluations.** *Level of care evaluations and reevaluations are performed (select one):*

	Directly by the Medicaid agency
	By the operating agency specified in Appendix A

X	By an entity under contract with the Medicaid agency. <i>Specify:</i> CMHC administrative contract
	Other <i>Specify:</i>

- C. **Qualifications of Individuals Performing Initial Evaluation:** *Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:*

A CMHC team which conducts assessment or reassessment services; and consists of: 1. Two (2) registered nurses; or 2. One (1) registered nurse and one (1) of the following: a. A licensed social worker; b. A certified psychologist with autonomous functioning; c. A licensed psychological practitioner; d. A licensed marriage and family therapist; or e. A licensed professional clinical counselor.

- D. **Level of Care Criteria.** *Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the State's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized:*

Participants will be determined by the Department to be eligible for the waiver if the participant:

1. Has medical care needs which can be met in a community-based setting,
2. Has a developmental disability who meets nursing facility (NF) level of care or a person with an intellectual disability who meets ICF-IID level of care requirements as defined in 907 KAR 1:022 and 907 KAR 2:025,
3. Has service needs which can be met through community based services,
4. Would, without waiver services, be admitted by a physician's order to a NF or ICF-IID, and
5. Meet the target group definitions described in section B-1-a.

The Department will utilize clinical documentation and verification to determine level of care. The Department will also utilize the Department-approved functional assessment tool to support development of the Person-Centered Service Plan (PCSP) as defined in Appendix D of this waiver application.

- E. **Level of Care Instrument(s).** *Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (select one):*

	The same instrument is used in determining the level of care for the waiver and for institutional care under the State Plan.
--	---

X	A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.
	<p><i>Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.</i></p> <p>The tool used for institutional care does not reflect the person's community, home or environmental support systems. The criteria used by the waiver to determine the level of care (LOC) better reflects the supports a participant needs to stay in their home.</p> <p>The waiver uses level of care (LOC) criteria as specified in 907 KAR 1:022 and 907 KAR 2:025. The determination is made through a review of documentation submitted by the participant at the time of application, clinical documentation and verification stating the applicant requires institutionalization if they do not receive 1915(c) waiver services and explaining how the applicant's condition affects functional ability.</p> <p>Additionally, applicants shall also be asked to submit other documents and/or medical records supporting the need for 1915(c) waiver services.</p>

- F. Process for Level of Care Evaluation/Reevaluation:** *Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:*

In order to be considered for 1915(c) waiver services, all applicants must apply using the Department-approved system and must submit clinical documentation and verification. In addition to stating the applicant would require institutionalization if they did not have 1915(c) waiver services, clinical documentation and verification must explain how the applicant's intellectual and/or developmental disability affects their functional abilities. The applicant may also be required to submit other documents and/or medical records supporting the need for 1915(c) waiver services. Once the Department receives the application, it is evaluated using the following process:

1. The application is reviewed and submitted to all appropriate waiver(s).
2. The application is reviewed for level of care.
3. Once it is determined the applicant meets level of care, the Department or its designee reserves capacity for the participant and notifies them to pick a case manager via a letter. The letter includes a phone number for the Department's Waiver Help Desk, where the participant can receive assistance in picking a case manager if needed. If there is no open slot in the waiver, the participant is placed on a waiting list until a slot becomes available.
4. After the applicant's slot is reserved, the Department for Community Based Services (DCBS) reviews the applicant's case and determines if they meet financial eligibility requirements for 1915(c) waiver services. For applicants on a waiting list, this financial eligibility determination will not take place until they receive a slot in the waiver. If financial eligibility is denied, the slot is forfeited, and the applicant may appeal their financial eligibility determination through DCBS.

5. Once financial eligibility is met, the applicant undergoes a functional assessment conducted by the appropriate entity. The functional assessment determines the applicant's service needs, which is used to develop the person-centered service plan (PCSP).

For applicants who have been on a waiver waiting list for more than three hundred sixty-five (365) days, new clinical documentation and verification will need to be submitted once a slot is reserved for them on the waiver. Applicants who qualify for multiple waivers can choose to begin services on a waiver with available slots while they are on the waiting list for another waiver. Clinical documentation and verification is not required upon re-evaluation. A functional assessment will be conducted yearly to verify the need for continued supports.

- G. **Reevaluation Schedule.** *Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (select one):*

	Every three months
	Every six months
X	Every twelve months
	Other schedule <i>Specify the other schedule:</i>

- H. **Qualifications of Individuals Who Perform Reevaluations.** *Specify the qualifications of individuals who perform reevaluations (select one):*

X	The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.
	The qualifications are different. <i>Specify the qualifications:</i>

- I. **Procedures to Ensure Timely Reevaluations.** *Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care (specify):*

A task is sent to the assessor electronically through the Department-approved system sixty (60) calendar days prior to the re-evaluation due date. The task remains on the assessor's dashboard until completed or the program is closed.

- J. **Maintenance of Evaluation/Reevaluation Records.** *Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:*

Copies of evaluations are retained in the Department-approved system until after the participant's termination and then maintained electronically for five (5) years.

Appendix B-7: Freedom of Choice

Freedom of Choice. *As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:*

- i. *informed of any feasible alternatives under the waiver; and*
- ii. *given the choice of either institutional or home and community-based services.*

- A. **Procedures.** *Specify the State's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

All waiver participants are informed of their choice of institutional care or waiver programs and available services by their case manager (CM) or participant-directed case manager (PDCM). This information is provided at the initial person-centered planning meeting and at least annually thereafter utilizing the Department-approved form. An electronic copy of this signed form is retained in the Department-approved system.

- B. **Maintenance of Forms.** *Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.*

Copies of forms are retained in the Department-approved system until after the participant's termination and then maintained electronically for five (5) years.

Appendix B-8: Access to Services by Limited English Proficient Persons

Access to Services by Limited English Proficient Persons. *Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):*

All Kentucky Medicaid providers are required to provide effective language access services to Medicaid participants who are limited in their English proficiency (LEP). Specific procedures for assuring LEP access may vary by provider but are required to address assessment of the language needs of participants served by the provider, provision of interpreter services at no cost to the participants, and staff training. Provider procedures for assuring LEP access are ensured through routine interaction and monitoring by the Department. When the State learns of a participant needing assistance, staff consult with the participant, case manager and the service provider to determine the type of assistance needed and may require additional activities on the part of the provider to ensure the appropriate translation services are available to the participant.

As indicated in Appendix A, Waiver Administration and Operation, of this application, the Department contracts with several entities to perform some waiver functions. In addition, DCBS, a governmental unit within the Cabinet for Health and Family Services (CHFS),

determines technical and financial eligibility for Medicaid services. All of these entities are required, through contract, to comply with Federal standards regarding the provision of language services to improve access to their programs and activities for participants who are limited in their English proficiency. Contractors' language services must be consistent with Federal requirements, include a method of identifying LEP-participants, and provide language assistance measures including interpretation and translation, staff training, providing notice to LEP participants, and monitoring compliance and updating procedures.

The Cabinet for Health and Family Services (CHFS) has established a Language Access Section to assist all Cabinet organizational units, including the Department, in effectively communicating with LEP participants, as well as complying with Federal requirements. The Language Access Section has qualified interpreters on staff, maintains a listing of qualified interpreters for use by CHFS units and contractors throughout the State, contracts with a telephone interpretation service for use by CHFS units and contractors when appropriate, provides translation services for essential program forms and documents, establishes policies and procedures applicable to CHFS, and provides technical assistance to CHFS units as needed. Procedures employed by individual departments and units (i.e. the Department) include posting multi-lingual signs in waiting areas to explain that interpreters will be provided at no cost; using "I Speak" cards or a telephone language identification service to help identify the primary language of LEP participants at first contact; recording the primary language of each LEP individual served; providing interpretation services at no cost to the participant served; staff training; and monitoring of staff offices and contractors.

Appendix B: Evaluation/Reevaluation of Level of Care

Quality Improvement: Level of Care

A. Methods for Discovery:

Methods for Discovery:	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/IID</i>
Sub-assurance:	<i>An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.</i>
Performance measure:	Percent of new participants who had a level of care evaluation indicating need for institutional level of care prior to receipt of services. N=# of new participants who had level of care indicating need for institutional level of care prior to receipt of services. D=# of new waiver participants. Department will submit annual reports to CMS of quarterly data aggregated & reviewed by Department.
Data Source: Waiver enrollment data	

Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
X	State Medicaid Agency		Weekly		100% Review
X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval:
	Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
			Continuously and Ongoing		Other Specify:
			Other Specify:		
Data Aggregation and Analysis					
Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
X	State Medicaid Agency			Weekly	
X	Operating Agency			Monthly	
	Sub-State Entity		X	Quarterly	
	Other		X	Annually	

		<i>Specify:</i>		
				<i>Continuously and Ongoing</i>
				<i>Other Specify:</i>

Methods for Discovery:	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/IID</i>
Sub-assurance:	<i>An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.</i>
Performance measure:	Percent of participants who received a redetermination of level of care in 12 months of their initial or last level of care determination. N=# of participants who received a redetermination of level of care. D=# of waiver participants who should have received a redetermination of level of care determination. Dept will submit annual reports to CMS of quarterly data aggregated & reviewed by Dept.

Data Source: Waiver enrollment data

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>	X	<i>Representative Sample</i>
						<i>Confidence interval=95% +/- 10%</i>

	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
	X	Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/IID</i>
Sub-assurance:	<i>The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine initial participant level of care</i>
Performance measure:	Percent of participants whose initial or subsequent level of care was appropriately determined as required by the State. N=Number of randomly selected participants whose level of care was done appropriately. D=Total number of levels of care reviewed. The Department will submit annual

	reports to CMS of the quarterly data aggregated and reviewed by the Department.				
Data Source: Level of care documentation					
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)
	X	State Medicaid Agency		Weekly	100% Review
	X	Operating Agency		Monthly	X Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly	X Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually	Stratified. Describe Group:
				Continuously and Ongoing	Other Specify:
			Other Specify:		
Data Aggregation and Analysis					
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly	
	X	Operating Agency		Monthly	

		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i> <i>Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Assessment services include a comprehensive initial functional assessment which shall be conducted by the assessor within the appropriate days of receipt of the request for the assessment. The Department receives monthly reports that note when waiver participants are transitioning into the State's Managed Care Option. This would indicate to the Department that the participant's waiver information may be incorrect or incomplete. The Department will also receive a monthly report of reassessments that were not completed within the appropriate period to allow for identification of issues.

A. Method for Remediation/Fixing Individual Problems

- i. *Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

The Department addresses problems as discovered through the generated reports noted above. The Division of Community Alternatives will review the reports and provide remediation activities as needed.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	<i>State Medicaid Agency</i>		<i>Weekly</i>
	<i>Operating Agency</i>		<i>Monthly</i>
	<i>Sub-State Entity</i>	X	<i>Quarterly</i>
	<i>Other</i>	X	<i>Annually</i>

	<i>Specify:</i>		
			<i>Continuously and Ongoing</i>
			<i>Other Specify:</i>

B. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

X	No
	Yes <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

Appendix C: Participant Services

C-1: Summary of Services Covered (1 of 2)

- A. **Waiver Services Summary.** *List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c.*

Service Type	Service
Statutory Service	Adult Day Health Care
Other Service	Attendant Care
Statutory Service	Case Management
Other Service	Community Access
Statutory Service	Day Training
Other Service	Environmental and Minor Home Modifications
Supports for Participant Direction	Financial Management Services
Other Service	Goods and Services
Statutory Service	Homemaking
Statutory Service	Non-Specialized Respite

Statutory Service	Personal Assistance
Other Service	Positive Behavior Coaching
Other Service	Positive Behavior Planning
Statutory Service	Supported Employment

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Adult Day Health Care			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	04 Day Services	Sub-Category 1:	04060 adult day services (social model)
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Adult day health care (ADHC) services must include basic and ancillary services for waiver participants who are eighteen (18) years or older. ADHC services are given in accordance with 902 KAR 20:066 operations and services; adult day health care programs. Basic services may include skilled nursing services, one or more meals per day but do not constitute a full nutritional regimen (i.e. three full meals per day), snacks, RN supervision, regularly scheduled daily activities, crisis service, routine personal and healthcare needs and equipment essential to the provision of the ADHC services. All personal care needs that arise when a participant is receiving ADHC services should be addressed by ADHC staff and are considered a component of the ADHC service.</p>			
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Adult Day Health Care is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services.</p>			

	A unit is defined as 15 minutes. This service cannot be billed concurrently with other services.	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by <i>(check each that applies):</i>		Legally Responsible Person
		Relative
		Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Adult Day Health Care Center
Agency		Community Mental Health Center

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Adult Day Health Care Center	
Provider Qualifications:	License <i>(specify):</i>	902 KAR 20:066
	Certificate <i>(specify):</i>	Certified by the Department or its designee
	Other Standard <i>(specify):</i>	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is

		<p>monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable state laws while operating the vehicle.
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification	
Provider Category:	Agency

Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting; ○ Medication administration; ○ Professional boundaries; Trauma-informed care; and ○ Person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.

		<ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2.a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable state laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Other Service			
Service Name:	Attendant Care			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	08 Home-Based Services	Sub-Category 1:	08040 companion
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Attendant care is a one-to-one provider to participant ratio service for a participant who is medically stable but functionally dependent and requires care or supervision twenty-four (24) hours a day.</p> <p>Attendant care is available to participants with a primary caregiver who is away from the home during work, school, or volunteer hours. Care needed must be beyond what is functionally appropriate compared to non-disabled age-matched peers and shall not be of a general housekeeping nature including tidying and cleaning kitchens and bathrooms, dusting, vacuuming, mopping, emptying or disposing of garbage, making the bed. Attendant care is not</p>			

	provided to a participant receiving any of the following services at the same time: <ul style="list-style-type: none"> a. Adult Day Health Care b. Community Access c. Day Training d. Homemaking e. Personal Assistance f. Supported Employment 	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	Attendant Care is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services. A unit is defined as 15 minutes.	
Service Delivery Method:	X	Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):	X	Legally Responsible Person
	X	Relative
	X	Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Adult Day Health Care Center
Agency		Certified Waiver Provider
Agency		Community Mental Health Center
Agency		Home Health Agency
Individual		Qualified Participant Approved Provider

C-1/C-3: Provider Specifications for Service

Provider Specification	
Provider Category:	Agency
Provider Type:	Adult Day Health Care Center

Provider Qualifications:	License (specify):	902 KAR 20:066
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.

		<ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The provider must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Be at least eighteen (18) years of age. Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration,

		<p>professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> Has the ability to: <ul style="list-style-type: none"> Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; Read, understand, and implement written and oral instructions; Perform required documentation; Participate as a member of the participant's person-centered team if requested by the participant; and Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. Undergoes pre-employment screenings as described in C-2a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091

	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The CMHC must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix.

		<ul style="list-style-type: none"> Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Home Health Agency	
Provider Qualifications:	License (specify):	902 KAR 20:081
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Be at least eighteen (18) years of age. Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-

		<p>informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> Has the ability to: <ul style="list-style-type: none"> Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; Read, understand, and implement written and oral instructions; Perform required documentation; Participate as a member of the participant's person-centered team if requested by the participant; and Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. Undergoes pre-employment screenings as described in C-2a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	<p>Initially and every two years or more frequently if necessary</p>

Provider Specification

Provider Category:	Individual	
Provider Type:	Qualified Participant Approved Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	
	Other Standard (specify):	<p>The individual must meet requirements for the 1915(c) waiver as set forth as applicable for being a qualified participant approved provider in 907 KAR Chapter 2, and 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Individuals who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and

		<ul style="list-style-type: none"> ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case manager / PDCM
	Frequency of Verification:	Prior to service delivery and as required based on the Department's or its designee's requirements

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Case Management			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	01 Case Management	Sub-Category 1:	01010 Case Management
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	

<p>Service Definition (Scope):</p>	<p>Case management activities include assisting participants in gaining access to waiver services and other needed services through the Medicaid State Plan and other non-Medicaid funded community-based programs to support the participant's home and community-based needs.</p> <p>Case management involves working with the participant, the participant's legal guardian, and/or their authorized representative and others who the participant identifies, such as immediate family member(s), in developing a PCSP. Using a person-centered planning process, case managers assist in identifying and implementing support strategies to enable the PCSP to advance the participant's identified goals while meeting assessed community-based needs, using waiver-funded and non-waiver funded services. Support strategies incorporate: the principles of empowerment, community inclusion, health and safety assurances, and the use of formal, informal, and community supports. Case managers adhere to person-centered principles during all planning, coordination, and monitoring activities.</p> <p>Case managers work closely with the participant to assess the participant's needs, outcomes, services, available resources, and overall satisfaction with HCBS services and processes. Case managers assure that participants have freedom of choice of providers in a conflict-free environment. Case management must be conflict-free and the case manager or its agency cannot provide other waiver services to the participant while also providing case management. Conflict-free case management, as stipulated in the Affordable Care Act and Federal Final Rule CMS 2249F, requires that a provider, including any subsidiary, partnership, not-for-profit, or for-profit business entity that has a business interest in the provider, who renders case management to a participant must not also provide another waiver service to that same participant, unless the servicing provider and case manager are the only willing and qualified provider in the geographical area (30 miles from the participant's residence). When one entity is responsible for providing case management and service delivery, appropriate safeguards and firewalls must exist to mitigate risk of potential conflict.</p> <p>Case management activities include face-to-face, telephonic, and other methods of communication to provide coordination and oversight, which assure the following:</p>
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	<ul style="list-style-type: none"> • Provision of education to support participant's service delivery model selection between traditional, PDS, and blended services; • Conflict-free options counseling to select appropriate services to meet identified needs and HCBS goals, along with education about available HCBS service providers; • The desires and needs of the participant are determined through a person-centered planning process; • The development and/or review of the PCSP, including monitoring of the effectiveness of the PCSP to advance person-centered goals and objectives and respond to changes in participant goals and objectives; • The coordination of multiple services and/or among multiple providers; • Linking waiver participants to services that support their home and community-based needs; • Monitoring the implementation of the PCSP, participant health and welfare, and service improvement plans (SIP) for participants; • Addressing problems in service provision; • Implementing participant crisis mitigation plans and making appropriate referrals to address active or potential crisis; • Detecting, reporting, and mitigating suspected abuse, neglect, and exploitation of participants, including adherence to mandatory reporter laws, and monitoring the quality of the supports and services; and, • Assisting participant to develop and coordinate access to social networks to promote community inclusion as requested by the participant. <p>Activities are documented, and plans for supports and services are reviewed by the case manager at least annually and more often as needed using the person-centered planning processes described in Appendix D.</p> <p>Case managers have a role in monitoring and assisting participants who choose to self-direct their services. Appendix E describes the waiver's participant self-direction program. Case managers of participants who choose to self-direct are</p>
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	<p>known as PDCM and have the following responsibilities, in addition to those listed above in this definition:</p> <ul style="list-style-type: none"> • Assist and coordinate completion of the PDS Employer Responsibilities Review Tool, if applicable; • Arrange or provide necessary support to participants as identified in the PDS Employer Responsibilities Review Tool, to offer needed assistance to execute employer authority; • Monitor the participant's execution of employer authority and document any identified risks, challenges, and outcomes; • Support selection and provide on-going coordination between the participant and the chosen Financial Management Agency (FMA); and • Monitoring of SIP for PDS employees. 	
<p>Specify applicable (if any) limits on the amount, frequency, or duration of this service:</p>	<p>Case Management is limited to one unit per participant per provider per month.</p> <p>A unit is defined as one month.</p> <p>The Department for Medicaid Services may approve additional units if deemed appropriate.</p>	
<p>Service Delivery Method:</p>	X	Participant-directed as specified in Appendix E
	X	Provider managed
<p>Specify whether the service may be provided by (check each that applies):</p>		Legally Responsible Person
		Relative
		Legal Guardian
<p>Provider Specifications:</p>		
Provider Category		Provider Type Title
Agency		Adult Day Health Care Center
Agency		Area Development Districts
Agency		Certified Waiver Case Management Agency
Agency		Community Mental Health Center

Agency	Home Health Agency
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C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Adult Day Health Care Center	
Provider Qualifications:	License (specify):	902 KAR 20:066
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including case management requirements as set forth in 907 KAR 2:035, certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005, and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency case management staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Have a bachelor's degree in one of the following fields: <ul style="list-style-type: none"> ○ Psychology, ○ Behavioral analysis, ○ Counseling, ○ Rehabilitation counseling, ○ Public health, ○ Special education, ○ Sociology, ○ Gerontology, ○ Recreational therapy, ○ Education, ○ Occupational therapy, ○ Physical therapy, ○ Speech-language pathology, ○ Social studies, or ○ Family studies, OR

		<ul style="list-style-type: none"> • A bachelor's degree, from an accredited college or university, or an associate's degree from an accredited college or university and three (3) years of experience working with the aged and/or physically disabled population, OR • A bachelor's degree from an accredited college or university not in a field referenced above and possess one (1) year of experience working with individuals who are adults older than sixty-five (65) years of age or living with physical disabilities, OR • Be a registered nurse (RN) currently licensed in Kentucky as defined in KRS 314.011(5). • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Completes Department-approved case management training. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Facilitate the participant's person-centered team; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
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		<ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2.a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Area Development Districts	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including case management requirements as set forth in 907 KAR 2:035, certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005, and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency case management staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Have a bachelor's degree in one of the following fields: <ul style="list-style-type: none"> Psychology,

		<ul style="list-style-type: none"> ○ Behavioral analysis, ○ Counseling, ○ Rehabilitation counseling, ○ Public health, ○ Special education, ○ Sociology, ○ Gerontology, ○ Recreational therapy, ○ Education, ○ Occupational therapy, ○ Physical therapy, ○ Speech-language pathology, ○ Social studies, or ○ Family studies, OR <ul style="list-style-type: none"> • A bachelor's degree, from an accredited college or university, or an associate's degree from an accredited college or university and three (3) years of experience working with the aged and/or physically disabled population, OR • A bachelor's degree from an accredited college or university not in a field referenced above and possess one (1) year of experience working with individuals who are adults older than sixty-five (65) years of age or living with physical disabilities, OR • Be a registered nurse (RN) currently licensed in Kentucky as defined in KRS 314.011(5). • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Completes Department-approved case management training. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's
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		<p>preferred manner of communication and with the participant's immediate family;</p> <ul style="list-style-type: none"> ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Facilitate the participant's person-centered team; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. <ul style="list-style-type: none"> • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Case Management Agency	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including case management

	<p>requirements as set forth in 907 KAR 2:035, certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Have a bachelor's degree in one of the following fields: <ul style="list-style-type: none"> ○ Psychology, ○ Behavioral analysis, ○ Counseling, ○ Rehabilitation counseling, ○ Public health, ○ Special education, ○ Sociology, ○ Gerontology, ○ Recreational therapy, ○ Education, ○ Occupational therapy, ○ Physical therapy, ○ Speech-language pathology, ○ Social studies, or ○ Family studies, OR • A bachelor's degree from an accredited college or university or an associate's degree from an accredited college or university and three (3) years of experience working with individuals who have an intellectual or developmental disability, OR • A bachelor's degree from an accredited college or university not in a field referenced above and possess one (1) year of experience working with individuals who are adults older than sixty-five (65) years of age or living with physical disabilities, OR • Be a registered nurse (RN) currently licensed in Kentucky as defined in KRS 314.011(5).
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		<ul style="list-style-type: none"> • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Complete Department-approved case management training. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Facilitate the participant's person-centered team; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable state laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including case management requirements as set forth in 907 KAR 2:035, certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005, and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency case management staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Have a bachelor's degree in one of the following fields: <ul style="list-style-type: none"> ○ Psychology, ○ Behavioral analysis, ○ Counseling, ○ Rehabilitation counseling, ○ Public health, ○ Special education, ○ Sociology, ○ Gerontology, ○ Recreational therapy, ○ Education, ○ Occupational therapy, ○ Physical therapy, ○ Speech-language pathology, ○ Social studies, or ○ Family studies, OR • A bachelor's degree, from an accredited college or university, or an associate's

		<p>degree from an accredited college or university and three (3) years of experience working with the aged and/or physically disabled population, OR</p> <ul style="list-style-type: none"> • A bachelor's degree from an accredited college or university not in a field referenced above and possess one (1) year of experience working with individuals who are adults older than sixty-five (65) years of age or living with physical disabilities, OR • Be a registered nurse (RN) currently licensed in Kentucky as defined in KRS 314.011(5). • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. • Completes Department-approved case management training. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Facilitate the participant's person-centered team; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
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		<ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2.a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Home Health Agency	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including case management requirements as set forth in 907 KAR 2:035, certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005, and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency case management staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Have a bachelor's degree in one of the following fields: <ul style="list-style-type: none"> Psychology,

		<ul style="list-style-type: none"> ○ Behavioral analysis, ○ Counseling, ○ Rehabilitation counseling, ○ Public health, ○ Special education, ○ Sociology, ○ Gerontology, ○ Recreational therapy, ○ Education, ○ Occupational therapy, ○ Physical therapy, ○ Speech-language pathology, ○ Social studies, or ○ Family studies, OR • A bachelor's degree, from an accredited college or university, or an associate's degree from an accredited college or university and three (3) years of experience working with the aged and/or physically disabled population, OR • A bachelor's degree from an accredited college or university not in a field referenced above and possess one (1) year of experience working with individuals who are adults older than sixty-five (65) years of age or living with physical disabilities, OR • Be a registered nurse (RN) currently licensed in Kentucky as defined in KRS 314.011(5). • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. • Completes Department-approved case management training. • Has the ability to:
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		<ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Facilitate the participant's person-centered team; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. <ul style="list-style-type: none"> • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two (2) years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Other Services			
Service Name:	Community Access			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	04 Day Services	Sub-Category 1:	04070 community integration

	Category 2:		Sub-Category 2:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Community access is a one-to-one provider to participant ratio service to increase community integration, by:</p> <ul style="list-style-type: none"> • Building social networks; • Increasing independence in accessing community supports and services outside the waiver; • Decreasing dependency on paid supports; and • Promoting self-advocacy. <p>This service includes training on skills needed, hands-on support for activities, or tasks directly related to accessing the community and any other supports, including personal care, while in the community. This service must be provided in accordance with assessed need, person-centered planning processes, and the PCSP.</p> <p>Community Access cannot replace services included in the per diem for residential support service providers and cannot be billed by the participant's assigned residential provider. The need for community access and the reasons it cannot be provided by residential services must be documented in the PCSP.</p>			
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Community Access is limited to no more than 64 units (16 hours) per day per participant in combination with Personal Assistance, Day Training, Supported Employment, and paid community employment.</p> <p>Community Access is not to exceed 200 units (50 hours) per week in combination with all other services except for Case Management, Non-Specialized Respite, paid community support, and reimbursement based services.</p> <p>A unit is defined as 15 minutes.</p>			
Service Delivery Method:	X	Participant-directed as specified in Appendix E		
	X	Provider managed		

Specify whether the service may be provided by <i>(check each that applies)</i> :	X	Legally Responsible Person
	X	Relative
	X	Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Certified Waiver Agency
Individual		Qualified Participant Approved Provider

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Agency	
Provider Qualifications:	License <i>(specify)</i>:	
	Certificate <i>(specify)</i>:	Certified by the Department or its designee
	Other Standard <i>(specify)</i>:	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005, and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least 18 years of age. • Complete Department-approved, waiver-specific training and be monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-

		<p>informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Have the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergo pre-employment screenings as described in C-2.a and b of this appendix. • Be certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable state laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every 2 years or more frequently if necessary

C-1/C-3: Provider Specifications for Service

Provider Specification	
Provider Category:	Individual

Provider Type:	Qualified Participant Approved Provider	
Provider Qualifications:	License <i>(specify):</i>	
	Certificate <i>(specify):</i>	
	Other Standard <i>(specify):</i>	<p>The individual must meet requirements for the 1915(c) waiver as set forth as applicable for being a qualified participant approved provider in 907 KAR Chapter 2, and 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Individuals who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least 18 years of age. • Complete Department-approved, waiver-specific training and be monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking. • Have the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as

		<p>described in the participant's PCSP.</p> <ul style="list-style-type: none"> Undergo pre-employment screenings as described in C-2.a and b of this appendix. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service delivery and as required based on the Department or its designee's requirements.

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Day Training			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	04 Day Services	Sub-Category 1:	04020 day habilitation
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Day training services are intended to support the participant in meaningful routines of the community, including acquisition, retention or improvement in self-help, socialization and adaptive skills. Day training must take place separate from the home or facility in which the participant resides. Day training services must be age and culturally appropriate and focus on training or reinforcing skills and abilities to encourage integration, prepare the participant for employment or</p>			

	<p>community activities, reinforce skills taught through therapy or behavioral supports, or assist in the transition from life events, as supported by the person-centered planning process and PCSP. When a participant is receiving day training services, all personal care needs shall be addressed within that service. All personal care needs that arise when a participant is receiving day training services should be addressed by day training staff and are considered a component of day training.</p> <p>A clinical waiver service in the PCSP which is integral to a day training session, and being provided in adjunct with the day training session, may be billed; but only one service may be billed at the same time. With the exception of the clinical waiver service in the person-centered service plan, no other waiver services are billable while the day training session is occurring.</p> <p>Any participant receiving day training services resulting in productive work that is essential to operating the organization or would have to be performed by someone else if not performed by the participant, must be paid for their labor. Participants who work must be paid comparable to members of the general workforce doing similar work per U.S. Department of Labor regulations.</p> <p>All supports and services delivered under day training must be part of the participant's assessed need, documented in the PCSP, and provided in compliance with the PCSP.</p>	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Day Training is limited to no more than 64 units (16 hours) per day per participant in combination with Personal Assistance, Community Access, Supported Employment, and paid community employment.</p> <p>Day Training is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services.</p> <p>Day Training alone is limited to no more than 160 units (40 hours) per week per participant.</p> <p>A unit is defined as 15 minutes.</p> <p>This service cannot be billed concurrently with other services.</p>	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
		Legally Responsible Person
		Relative

Specify whether the service may be provided by (check each that applies):		Legal Guardian
Provider Specifications:		
Provider Category	Provider Type Title	
Agency	Adult Day Health Care Center	
Agency	Certified Waiver Provider	
Agency	Community Mental Health Center	

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Adult Day Health Care Center	
Provider Qualifications:	License (specify):	902 KAR 20:066
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional

		<p>boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification	
Provider Category:	Agency

Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The provider must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation;

		<ul style="list-style-type: none"> ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. <p>Is certified in CPR and First Aid. If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The CMHC must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.

	<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored on competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
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Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Other Services			
Service Name:	Environmental and Minor Home Modifications			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	14 Equipment, Technology, and Modifications	Sub-Category 1:	14020 home and/or vehicle accessibility adaptations
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Structural and/or permanent environmental and minor home modifications are only for the privately-owned residence of the participant or the participant's immediate family-owned home in which he/she resides. Physical adaptations to the home, required by the participant's PCSP, are necessary to ensure the health, safety, and welfare of the participant, or to enable the participant to function with greater independence in the home, without which, the participant would be at risk for institutionalization. Adaptations to rental properties must be portable.</p> <p>Such adaptations may include the installation of ramps and grab bars, widening of doorways, modification of bathroom facilities for accessibility, or installation of specialized electric and plumbing systems, which are necessary to accommodate the medical equipment and supplies necessary for the welfare of the participant.</p>			

	<p>This service excludes adaptations or improvements to the home which are of general utility and are not of direct medical or remedial benefit to the participant, such as roof repair, central air conditioning/heating, etc. Adaptations which add to the total square footage of the home are excluded from this benefit. All services shall be provided in accordance with applicable State or local building codes. This service will not include repair of previous damage, routine home maintenance, cosmetic improvements, or unnecessary repairs.</p> <p>The case management agency must ensure the adaptations are completed by an agency that is licensed to provide these services, is a registered business, and is in good standing with the Kentucky Secretary of State.</p>	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Environmental and Minor Home Modification has a \$10,000 lifetime limit.</p> <p>Environmental and Minor Home Modifications must be approved by the Department or its designee prior to service delivery.</p>	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):		Legally Responsible Person
		Relative
		Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Individual		Service Vendor
Agency		Service Vendor

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Individual	
Provider Type:	Service Vendor	
Provider Qualifications:	License (specify):	

	Certificate (specify):	
	Other Standard (specify):	The individual is licensed to provide the good or service, is a registered business, and is in good standing with the Kentucky Secretary of State.
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Service Vendor	
Provider Qualifications:	License (specify):	
	Certificate (specify):	
	Other Standard (specify):	The agency is licensed to provide the good or service, is a registered business, and is in good standing with the Kentucky Secretary of State.
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service

C-1/C-3: Service Specification

Service Type:	Supports for Participant Direction
Service Name:	Financial Management Services
Alternative Service Title (if any):	

HCBS Taxonomy:	Category 1:	12 Services Supporting Self-direction	Sub-Category 1:	12010 financial management services in support of self-direction
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Financial management services providers shall manage and direct funds in the participant's approved PCSP. The provider shall perform the employer responsibilities of payroll processing which includes:</p> <ul style="list-style-type: none"> • Issuing of paychecks; • Withholding federal, state, and local taxes and making tax payments to the appropriate tax authorities; and • issuing of W-2 forms. <p>The provider shall be responsible for performing all fiscal accounting procedures including issuance of expenditure reports to the participant, their representative, the PDCM and the Department. The provider shall maintain a separate account for each participant while continually tracking and reporting fund disbursements. The provider shall process and pay for invoices for all participant-directed services approved in the participant's PCSP. FMS is a required service for participants who elect to direct any service.</p>			
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Financial Management Services is limited to no more than eight units per month per participant.</p> <p>A unit is defined as 15 minutes.</p> <p>Financial Management Services is limited to participants who opt to participant direct some or all of their non-medical services and apply only to participant-directed services.</p>			
Service Delivery Method:		Participant-directed as specified in Appendix E		
	X	Provider managed		
		Legally Responsible Person		

Specify whether the service may be provided by (check each that applies):		Relative
		Legal Guardian
Provider Specifications:		
Provider Category	Provider Type Title	
Agency	Area Development Districts	
Agency	Certified FMS Waiver Provider	
Agency	Community Mental Health Center	

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Area Development Districts	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Area Development Districts are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. Area Development Districts are established by State law, specifying the manner of governance, organization, staffing and areas of responsibility (KRS 147A.050 to 147A.110) and have a designated region within the State to which their services are mandated and limited.</p> <p>To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as</p>

		<p>a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department on financial management responsibilities, and be subject to regular oversight and monitoring, including on-site monitoring, by the Department.</p> <p>Area Development Districts must comply with all standards identified in program regulations and services manual.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified FMS Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>To provide Medicaid waiver services, certified waiver providers must be enrolled as a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department on financial management</p>

		responsibilities, and be subject to regular oversight and monitoring, including on-site monitoring, by the Department. All standards identified in program regulations and services manual.
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every 2 years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The CMHC must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>CMHCs are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. CMHCs were established by State law, specifying the manner of governance, organization, staffing and areas of responsibility (KRS 210.370 to 210.480) CMHCs have a designated region within the State to which their services are mandated and limited.</p> <p>To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance</p>

		<p>with Kentucky regulations, receive training approved by the Department on financial management responsibilities and be subject to regular oversight and monitoring, including on-site monitoring, by the Department for Medicaid Services.</p> <p>CMHCs must comply with all standards and requirements identified in program regulations and services manuals.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and every two years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Other Services			
Service Name:	Goods and Services			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	17 Other services	Sub-Category 1:	17010 goods and services
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Individual goods and services are services and supplies not otherwise provided through other services under this waiver, Medicaid State Plan services, or other resources. Goods and services include:</p> <ul style="list-style-type: none"> • Bathing & Hygiene Aids, • Dental Services, 			

	<ul style="list-style-type: none"> • Dining Aids, • Durable Medical Equipment items denied by Medicaid State Plan due to limitations in fee schedule, • Glasses, • Hearing Aids, • Household Kitchen Aids, • Incontinence Supplies for participants older than three (3) years of age, • Medication Aids, • Nutritional Supplements for increased caloric or nutritional needs (Excludes any other vitamins, supplements, or alternative forms of nutrition), and • Weighted Blankets. <p>Goods and services do not include:</p> <ul style="list-style-type: none"> • Experimental goods or treatment, • Chemical and physical restraints, • Over the counter medications or vitamins or • Supplements or alternative forms of nutrition. <p>Other medically necessary goods and services can be reviewed for approval on a case-by-case basis.</p> <p>The Department will utilize existing fee schedules to determine the cost effectiveness of covered goods and services. Goods and services address an identified need in the PCSP and are targeted to the participant's disability. Goods and services will only be covered under the waiver if the item is deemed necessary to ensure health, safety, and welfare in the community but is otherwise not covered by Medicaid State Plan. Requests for goods and services must include documentation of need from a doctor, physician's assistant (PA), advance practice registered nurse (APRN), or a licensed clinical therapist.</p> <p>In order to be covered, items must meet regulatory criteria as set forth in 907 KAR Chapter 2, including waiver covered services as defined in 907 KAR 2:010.</p> <p>For all waiver participants younger than 21 years of age, goods and services must be provided under the Early Periodic</p>
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	Screening, Diagnostic and Treatment (EPSDT) benefit, if available, and will not be covered through this waiver service.	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	Goods and Services is limited to no more than \$1,500 per LOC service year. Any one item more than \$500 must be approved by the Department or its designee prior to service delivery.	
Service Delivery Method:	<input type="checkbox"/>	Participant-directed as specified in Appendix E
	<input checked="" type="checkbox"/>	Provider managed
Specify whether the service may be provided by (check each that applies):	<input type="checkbox"/>	Legally Responsible Person
	<input type="checkbox"/>	Relative
	<input type="checkbox"/>	Legal Guardian
Provider Specifications:		
Provider Category	Provider Type Title	
Agency	Service Vendor	

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Service Vendor	
Provider Qualifications:	License (specify):	
	Certificate (specify):	
	Other Standard (specify):	The agency is licensed to provide the good or service, is a registered business, and is in good standing with the Kentucky Secretary of State.
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Homemaking			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	08 home based services	Sub-Category 1:	08050 homemaker
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Homemaking services must be provided in the participant's home and can only be used for the participant's benefit. Homemaking can only be provided when:</p> <ol style="list-style-type: none"> 1. The individual regularly responsible for these activities is unexpectedly, temporarily absent or unable to manage the home and care for him/herself or others in the home OR 2. To participants who have primary responsibility for maintaining health and safety of their living environment. <p>Homemaking services may not be provided to a participant who demonstrates functional ability to perform the task as determined by the waiver functional assessment.</p> <p>Homemaking services may take the form of hands-on assistance, prompting the participant to perform a task, or training or assisting a participant to be more independent in completing a homemaking task.</p> <p>Homemaking services include common household maintenance activities. Those activities may include light housework including tidying and cleaning kitchens and bathrooms, dusting, vacuuming, mopping, emptying or disposing of garbage, making the bed, laundry, meal planning, meal preparation, and grocery shopping for participants who cannot independently perform these tasks.</p>			

	Homemaking services must be connected to the person-centered planning process and PCSP.	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Homemaking is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services.</p> <p>Homemaking alone is limited to no more than 40 units (10 hours) per week per participant.</p> <p>A unit is defined as 15 minutes.</p>	
Service Delivery Method:	X	Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):	X	Legally Responsible Person
	X	Relative
	X	Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Adult Day Health Care Center
Agency		Area Development Districts
Agency		Certified Waiver Provider
Agency		Community Mental Health Center
Agency		Home Health Agency
Individual		Qualified Participant Approved Provider

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Adult Day Health Care Center	
Provider Qualifications:	License (specify):	902 KAR 20:066

	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix.

		<ul style="list-style-type: none"> Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Area Development Districts	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Area Development Districts are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. Area Development Districts are established by State law, specifying the manner of governance, organization, staffing and areas of responsibility (KRS 147A.050 to 147A.110) and have a designated region within the State to which their services are mandated and limited.</p> <p>To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance</p>

		<p>with Kentucky regulations, receive training approved by the Department on financial management responsibilities, and be subject to regular oversight and monitoring, including on-site monitoring, by the Department.</p> <p>Area Development Districts must comply with all standards identified in program regulations and services manual.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse,

		<p>neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification

Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as

		<p>described in the participant's PCSP.</p> <ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Home Health Agency	
Provider Qualifications:	License (specify):	902 KAR 20:081
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Be at least eighteen (18) years of age. Completes Department-approved, waiver-specific training and is

		<p>monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	<p>Initially and every two years or more frequently if necessary</p>

Provider Specification		
Provider Category:	Individual	
Provider Type:	Qualified Participant Approved Provider	
Provider Qualifications:	License <i>(specify)</i> :	
	Certificate <i>(specify)</i> :	
	Other Standard <i>(specify)</i> :	<p>The individual must meet requirements for the 1915(c) waiver as set forth as applicable for being a qualified participant approved provider in 907 KAR Chapter 2, and 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Individuals who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ abuse, neglect, exploitation and incident reporting, ○ professional boundaries, ○ trauma-informed care, and ○ person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions;

		<ul style="list-style-type: none"> ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. <ul style="list-style-type: none"> • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case manager / PDCM
	Frequency of Verification:	Prior to service delivery and as required based on the Department's or its designee's requirements

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Non-Specialized Respite			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	09 Caregiver Support	Sub-Category 1:	09012 respite, in-home
	Category 2:	09 Caregiver Support	Sub-Category 3:	09011 respite, out-of-home
	Category 3:		Sub-Category 3:	

	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Non-Specialized Respite care is short-term care due to an absence or need for relief of the primary caregiver and be utilized for participants who are unable to independently manage or execute self-care. Non-Specialized Respite care services should be provided in accordance with goals established during person-centered service plan development. Non-Specialized Respite care shall address individualized self-care, safety, positive social impact and recreational needs, and supervision needs. Receipt of respite care does not preclude a participant from receiving other services on the same day if the other services are not provided concurrently.</p> <p>A residential provider may provide respite services to participants (as long as they do not reside at the residential site) but may not use another person's bedroom or another person's belongings in order to provide respite care for a different person.</p> <p>Non-specialized respite may be provided in the participant's residence, in the community, or at an Adult Day Health Care center.</p> <p>Non-specialized respite care services must be provided at a level to appropriately and safely meet the needs of the participant including continual monitoring and supervision.</p>			
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Non-Specialized Respite is limited to no more than \$8,000 per LOC service year per participant.</p> <p>Non-Specialized Respite cannot be billed concurrently with other services.</p>			
Service Delivery Method:	<input checked="" type="checkbox"/>	Participant-directed as specified in Appendix E		
	<input checked="" type="checkbox"/>	Provider managed		
Specify whether the service may be provided by (check each that applies):	<input checked="" type="checkbox"/>	Legally Responsible Person		
	<input checked="" type="checkbox"/>	Relative		
	<input checked="" type="checkbox"/>	Legal Guardian		
Provider Specifications:				
Provider Category		Provider Type Title		
Agency		Adult Day Health Care Center		
Agency		Area Development Districts		

Agency	Certified Waiver Agency
Agency	Community Mental Health Center
Agency	Home Health Agency
Individual	Qualified Participant Approved Provider

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Adult Day Health Care Center	
Provider Qualifications:	License (specify):	902 KAR 20:066
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family;

		<ul style="list-style-type: none"> ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. <ul style="list-style-type: none"> • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and at least every two (2) years thereafter

Provider Specification		
Provider Category:	Agency	
Provider Type:	Area Development Districts	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907

		<p>KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Area Development Districts are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. Area Development Districts are established by State law, specifying the manner of governance, organization, staffing and areas of responsibility (KRS 147A.050 to 147A.110) and have a designated region within the State to which their services are mandated and limited.</p> <p>To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department on financial management responsibilities, and be subject to regular oversight and monitoring, including on-site monitoring, by the Department.</p> <p>Area Development Districts must comply with all standards identified in program regulations and services manual.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Agency	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee

	<p>Other Standard (specify):</p>	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
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		<ul style="list-style-type: none"> Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Be at least eighteen (18) years of age. Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to:

		<ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification	
Provider Category:	Agency
Provider Type:	Home Health Agency

Provider Qualifications:	License (specify):	902 KAR 20:081
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.

		<ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2.a and b of this appendix. Is certified in CPR and First Aid. If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Individual	
Provider Type:	Qualified Participant Approved Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	
	Other Standard (specify):	<p>The individual must meet requirements for the 1915(c) waiver as set forth as applicable for being a qualified participant approved provider in 907 KAR Chapter 2, and 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Individuals who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> Be at least eighteen (18) years of age. Completes Department-approved, waiver-specific training and is monitored for competency on topics

		<p>including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> Has the ability to: <ul style="list-style-type: none"> Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; Read, understand, and implement written and oral instructions; Perform required documentation; Participate as a member of the participant's person-centered team if requested by the participant; and Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. Undergoes pre-employment screenings as described in C-2.a and b of this appendix. If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable state laws while operating the vehicle.
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service delivery and as required based on Department's or its designee's requirements.

C-1/C-3: Service Specification

Service Type:	Statutory Service
Service Name:	Personal Assistance
Alternative Service Title (if any):	Personal Care

HCBS Taxonomy:	Category 1:	08 home based services	Sub-Category 1:	08030 personal care
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Personal assistance services enable waiver participants to accomplish tasks that they normally would do for themselves if they did not have a disability. The need for assistance must be directly related to the participant's disability and exceed that of his or her age matched peers. This assistance may include hands-on assistance (actually performing a task for the person), reminding, observing, guiding, and/or training a waiver participant in ADLs (such as bathing, dressing, toileting, transferring, maintaining continence) and IADLs (more complex life activities such as personal hygiene, transportation, using the telephone, and medication administration). This service may also include assisting the waiver participant in managing his/her medical care including making medical appointments and accompanying the waiver participant during medical appointments. Transportation to access community services, activities and appointments shall not duplicate Medicaid State Plan transportation services.</p> <p>Personal assistance services take place in the waiver participant's home, and in the community as appropriate to the individual's need.</p> <p>Personal assistance services are available only to a waiver participant who lives in his /her own residence or in his/her immediate family residence.</p> <p>Personal assistance services are not available to participants under the age of 21 when medically necessary personal assistance services are covered by EPSDT, if available. Personal assistance services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).</p>			

Specify applicable (if any) limits on the amount, frequency, or duration of this service:	Personal Assistance is limited to no more than 160 units (40 hours) per week per participant. A unit is defined as 15 minutes. This service cannot be billed concurrently with other services. Personal Assistance is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services. This service cannot be billed concurrently with other services.	
	Service Delivery Method:	X Participant-directed as specified in Appendix E
		X Provider managed
	Specify whether the service may be provided by (check each that applies):	X Legally Responsible Person
X Relative		
X Legal Guardian		
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Adult Day Health Care Center
Agency		Area Development Districts
Agency		Certified Waiver Agency
Agency		Community Mental Health Center
Agency		Home Health Agency
Individual		Qualified Participant Approved Provider

C-1/C-3: Provider Specifications for Service

Provider Specification	
Provider Category:	Agency
Provider Type:	Adult Day Health Care Center

Provider Qualifications:	License <i>(specify):</i>	902 KAR 20:066
	Certificate <i>(specify):</i>	Certified by the Department or its designee
	Other Standard <i>(specify):</i>	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as

		<p>described in the participant's PCSP.</p> <ul style="list-style-type: none"> Undergoes pre-employment screenings as described in C-2a and b of this appendix. Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Area Development Districts	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Area Development Districts are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. Area Development Districts are established by State law, specifying the manner of governance, organization, staffing and areas of responsibility (KRS 147A.050 to</p>

		<p>147A.110) and have a designated region within the State to which their services are mandated and limited.</p> <p>To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department on financial management responsibilities, and be subject to regular oversight and monitoring, including on-site monitoring, by the Department.</p> <p>Area Development Districts must comply with all standards identified in program regulations and services manual.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License <i>(specify)</i>:	
	Certificate <i>(specify)</i>:	Certified by the Department or its designee
	Other Standard <i>(specify)</i>:	The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid.
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		If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	<p>The CMHC must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-

		<p>informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	<p>OIG</p> <p>The Department or its designee</p>
	Frequency of Verification:	<p>Initially and every two years or more frequently if necessary</p>

Provider Specification	
Provider Category:	Agency

Provider Type:	Home Health Agency	
Provider Qualifications:	License <i>(specify):</i>	902 KAR 20:081
	Certificate <i>(specify):</i>	Certified by the Department or its designee
	Other Standard <i>(specify):</i>	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and

		<ul style="list-style-type: none"> ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

Provider Specification		
Provider Category:	Individual	
Provider Type:	Qualified Participant Approved Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	
	Other Standard (specify):	<p>The individual must meet requirements for the 1915(c) waiver as set forth as applicable for being a qualified participant approved provider in 907 KAR Chapter 2, and 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Individuals who come into direct contact with waiver participants must meet the following qualifications:</p>

		<ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2. A and b of this appendix. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	Case Manager / PDCM
	Frequency of Verification:	Prior to service delivery and as required based on the Department's or its designee's requirements.

C-1/C-3: Service Specification

Service Type:	Other Service
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Service Name:	Positive Behavior Coaching			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	10 Other Mental Health and Behavioral Services	Sub-Category 1:	10060 counseling
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Positive Behavior Coaching is an individualized service of monitoring, training, and assessing effectiveness of person centered planning. These services provide for modeling, monitoring, assessing and implementing the PCSP. The service is delivered by a Positive Behavior Coach who assists the person and the team in implementing and assessing effectiveness of the PCSP. The coach models person centered thinking. The Positive Behavior Coach is responsible for training the individual, family, guardian, natural and paid supports as well as other team members who are recognized as an integral part of person centered planning when barriers challenge the success of the individual in achieving their goals.</p> <p>Staff training developed by the Positive Behavior Coach shall be developed in conjunction with appropriately qualified personnel. For example, If the participant's targeted behavior is related to a mental illness, such as depression, then a mental health professional who is knowledgeable of the participant's manifestation of the mental illness, should participate in at least the development of the training.</p> <p>The Positive Behavior Coach operates independently of a residential or Day Training provider and must work under the direction of a Positive Behavior Specialist or other licensed professional. This service may include development of a structured coping plan, wellness plan or recovery plan. Dependent on the assessed needs of the individual, the Positive</p>			

	<p>Behavior Coach may complete assigned duties related to completion of a functional assessment of behavior which would be utilized to make modifications to the environment, person centered plan, coping plan, and/or crisis prevention plan. A Positive Behavior Coach is not to be considered as part of staffing ratio, plan or pattern since the coaching duties are separate from those of a Direct Support Professional.</p> <p>The service is not intended to be an indefinite part of an individual's support system but may come in and out of their circle of supports as needed, i.e. utilized when there is a significant change in status or the person centered plan. The service shall be outcome based and documented. When developing outcomes, a plan for the gradual withdrawal of the services shall be established. This service shall not duplicate case management or any other service. These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).</p>	
Specify applicable (if any) limits on the amount, frequency, or duration of this service:	<p>Positive Behavior Coaching is limited to 80 units (20 hours) per participant, per month for the first three months.</p> <p>After initial three months limited to 48 units (12 hours) per participant, per month.</p> <p>Positive Behavior Coaching is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except Case Management, Non-Specialized Respite, and reimbursement based services.</p> <p>A unit is defined as 15 minutes.</p> <p>Positive Behavior Coaching must be approved by the Department or its designee prior to service delivery.</p>	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):		Legally Responsible Person
		Relative
		Legal Guardian
Provider Specifications:		
Provider Category	Provider Type Title	
Agency	Certified Waiver Provider	
Agency	Community Mental Health Center	

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License <i>(specify)</i> :	
	Certificate <i>(specify)</i> :	Certified by the Department or its designee
	Other Standard <i>(specify)</i> :	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Individuals providing Positive Behavior Coaching must be a behavior support specialist, which is an individual who has: a master's degree from an accredited institution with formal graduate coursework in a behavioral science, at least one (1) year of experience in behavioral programming, and has at least one (1) year of direct service experience as applicable with individuals with acquired brain injury, aged, or intellectual or developmental disabilities. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including,

		<p>but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</p> <ul style="list-style-type: none"> • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrates competence and knowledge on topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee

	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary
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Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department
	Other Standard (specify):	<p>The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: <ul style="list-style-type: none"> ○ Abuse, neglect, exploitation and incident reporting, ○ Medication administration, ○ Professional boundaries, ○ Trauma-informed care, and ○ Person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant and the participant's immediate family; ○ Read, understand, and implement written and oral instructions;

		<ul style="list-style-type: none"> ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. <ul style="list-style-type: none"> • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Other Service			
Service Name:	Positive Behavior Planning			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	10 Other Mental Health and Behavioral Services	Sub-Category 1:	10060 counseling
	Category 2:		Sub-Category 3:	
	Category 3:		Sub-Category 3:	

	Category 4:		Sub-Category 4:	
Service Definition (Scope):	<p>Positive Behavior Planning is to develop the Behavior Intervention Strategies (Behavior Support Plan). The utilization of evidence-based best practices in behavioral techniques, interventions, and methods to assist a participant with significant, intensive challenges related to the participant's intellectual or developmental disability, which interfere with activities of daily living, social interaction, or work. Positive behavior support plans are developed with the participant and the participant's person-centered team and are related to goals of interventions, such as greater participation in activities, and/or enhanced coping or social skills. They are clearly based upon the recommendations from the functional assessment (an assessment performed using evidenced-based tools, direct observation, and empirical measurement to obtain and identify functional relations between behavioral and environmental factors).</p> <p>Problem behaviors necessitating the use of behavior support are those which:</p> <ol style="list-style-type: none"> 1. Are a danger to the person or others; 2. Result in damage to property; or 3. Interfere with the educational/developmental programs; or 4. Interfere with the acceptance/integration into community activities. <p>Behavioral interventions may play a supplemental role for addressing challenges related to a co-occurring behavioral health disorder; however, the participant's primary treatment should be consistent with best practice and evidence-based for the participant's behavioral health disorder(s).</p> <p>All activities shall be designed to equip the participant to communicate needs and to participate in age appropriate activities. Behavior support planning developed by the behavior support specialist shall be implemented by provider staff in all relevant environments and activities. Behavior Support Plans should be evaluated annually as part of the person-centered planning process.</p> <p>Positive Behavior Planning services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).</p>			

Specify applicable (if any) limits on the amount, frequency, or duration of this service:	Positive Behavior Planning is reimbursed at a standard fixed rate. Unit of service is one item - Positive Behavior Support Plan.	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):		Legally Responsible Person
		Relative
		Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Certified Waiver Provider
Agency		Community Mental Health Center

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The provider must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Individuals providing Positive Behavior Supports must be a behavior support specialist, which is an individual who has: a master's degree from an accredited institution with formal graduate coursework in a behavioral science, at least one (1) year of experience in behavioral programming, and has at least one (1) year of direct service experience as applicable with individuals with acquired brain injury, aged, or intellectual or developmental disabilities. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered
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		<p>team if requested by the participant; and</p> <ul style="list-style-type: none"> ○ Demonstrates competence and knowledge on topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and at least every two (2) years or more frequently if necessary

Provider Specification		
Provider Category:	Agency	
Provider Type:	Community Mental Health Center	
Provider Qualifications:	License (specify):	902 KAR 20:091
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The agency must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Individuals providing this service must be one of the following: a certified psychologist with autonomous functioning, a licensed psychologist, a licensed psychological associate, a psychiatrist, a licensed clinical social worker, an APRN, a clinical nurse specialist with a master's degree in psychiatric nursing, a board certified behavior analyst, or a licensed professional clinical counselor. • Complete Department-approved, waiver-specific training and be monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Have the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
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		<ul style="list-style-type: none"> Undergo pre-employment screenings as described in C-2.a and b of this appendix. Be certified in CPR and First Aid. <p>If transportation is provided by the employee, all applicable State laws must be obeyed while operating the vehicle.</p>
Verification of Provider Qualifications:	Entity Responsible for Verification:	OIG The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

C-1/C-3: Service Specification

Service Type:	Statutory Service			
Service Name:	Supported Employment			
Alternative Service Title (if any):				
HCBS Taxonomy:	Category 1:	03 Supported Employment	Sub-Category 1:	03010 job development
	Category 2:	03 Supported Employment	Sub-Category 3:	03021 ongoing supported employment, individual
	Category 3:		Sub-Category 3:	
	Category 4:		Sub-Category 4:	
Service Definition (Scope):	Supported Employment includes services designed to help participants acquire and maintain paid competitive employment, earning wages and benefits that are customary for an employee at the company performing a comparable job. Supported employment does not include services that are available under Section 110 of the Rehabilitation Act of 1973 or, in the case of youth, under the provisions of IDEA, (20 U.S.C.1401 et seq.). The case manager/participant-directed case manager must document			

	<p>confirmation of the unavailability of comparable services before including the supports in the PCSP.</p> <p>Phases of supported employment may include:</p> <ul style="list-style-type: none"> • Job development, • Job acquisition, • Successful placement, and • Long-term follow up. <p>Within these phases, tasks may include and be utilized as needed according to the PCSP including:</p> <ul style="list-style-type: none"> • Vocational discovery, • Person-centered employment planning, • Job placement, • Job development, • Negotiation, • Job analysis, • Job carving, • Training and systemic instruction, • Coaching, • Benefits, • Work incentives, • Planning, • Management, • Travel, • Asset development, and • Career advancement. <p>Documentation of a participant's progression through the phases must be included in a service note. Supported Employment services shall be provided both with the participant and on behalf of the participant.</p>
<p>Specify applicable (if any) limits on the amount, frequency, or</p>	<p>Supported Employment is limited to no more than 160 units (40 hours) per week per participant in combination with Day Training.</p> <p>Supported Employment is limited to no more than 200 units (50 hours) per week per participant in combination with all other services except</p>

duration of this service:	<p>Case Management, Non-Specialized Respite, and reimbursement based services.</p> <p>A unit is defined as 15 minutes.</p> <p>This service cannot be billed concurrently with other services.</p> <p>Supported Employment services must be approved by the Department or its designee prior to service delivery.</p> <p>Kentucky Vocational Rehabilitation services must be exhausted before use of Supported Employment is approved.</p>	
Service Delivery Method:		Participant-directed as specified in Appendix E
	X	Provider managed
Specify whether the service may be provided by (check each that applies):		Legally Responsible Person
		Relative
		Legal Guardian
Provider Specifications:		
Provider Category		Provider Type Title
Agency		Certified Waiver Provider

C-1/C-3: Provider Specifications for Service

Provider Specification		
Provider Category:	Agency	
Provider Type:	Certified Waiver Provider	
Provider Qualifications:	License (specify):	
	Certificate (specify):	Certified by the Department or its designee
	Other Standard (specify):	The provider must meet requirements for the 1915(c) waiver as set forth in 907 KAR Chapter 2 including certified waiver provider qualifications as defined in 907 KAR 2:015, 1915(c) waiver definitions set forth in 907 KAR 2:005 and 1915(c) waiver covered services defined in 907 KAR 2:010.

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> • Be at least eighteen (18) years of age. • Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking. • Has the ability to: <ul style="list-style-type: none"> ○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's immediate family; ○ Read, understand, and implement written and oral instructions; ○ Perform required documentation; ○ Participate as a member of the participant's person-centered team if requested by the participant; and ○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP. • Undergoes pre-employment screenings as described in C-2.a and b of this appendix. • Is certified in CPR and First Aid. <p>If the employee provides transportation, the employee must be legally licensed to</p>
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		operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.
Verification of Provider Qualifications:	Entity Responsible for Verification:	The Department or its designee
	Frequency of Verification:	Initially and every two years or more frequently if necessary

C-1: Summary of Services Covered (2 of 2)

- B. **Provision of Case Management Services to Waiver Participants.** *Indicate how case management is furnished to waiver participants (select one):*

	Not applicable – Case management is not furnished as a distinct activity to waiver participants.	
X	Applicable – Case management is furnished as a distinct activity to waiver participants. Check each that applies:	
	X	As a waiver service defined in Appendix C-3. Do not complete item C-1-c.
		As a Medicaid State plan service under 1915(i) of the Act (HCBS as a State Plan Option). Complete item C-1-c.
		As a Medicaid State plan service under 1915(g)(1) of the Act (Targeted Case Management). Complete item C-1-c.
		As an administrative activity. Complete item C-1-c.

- C. **Delivery of Case Management Services.** *Specify the entity or entities that conduct case management functions on behalf of waiver participants:*

As indicated in C-1-b, this section is not applicable.

C-2: General Service Specifications (1 of 3)

- A. **Criminal History and/or Background Investigations.** *Specify the State's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):*

	No. Criminal history and/or background investigations are not required.
X	Yes. Criminal history and/or background investigations are required.

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national);

and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

- A. All providers or provider agency employees with contact with participants are required to undergo a background investigation at hiring and repeated as appropriate.
 - B. Kentucky offers employers two options for conducting pre-employment background investigations.
 - i. The Kentucky Applicant Registry and Employment Screening (KARES) system: KARES is an electronic interface and nationwide background investigation and registry system. KARES enables automatic abuse registry checks, including continuous assessment (i.e. ongoing registry checks after employment date), as well as fingerprint-based background checks through Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI).
 - ii. If KARES is not used, pre-employment background investigations must be conducted using all four (4) of the following:
 - 1. Administrative Office of the Courts (AOC) Background Check operated by Kentucky Court of Justice and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment;
 - 2. Kentucky Child Abuse and Neglect (CAN) Registry operated by the Cabinet for Health and Family Services and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment;
 - 3. Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services; and
 - 4. Nurse Aide Abuse Registry by the Kentucky Board of Nursing.
- If a potential employee has resided or worked out-of-State within the last 12 calendar months the other state's equivalency of all checks must be completed and results provided for that timeframe.
- C. All agency employees with contact with participants are required to pass a six-panel drug screening prior to employment. For PDS employees, passing the six-panel drug screening will be at the discretion of the participant, legal guardian, or authorized representative.
 - D. Provider agencies are responsible for conducting pre-employment background screenings on agency employees. The following disqualifies an agency employee from providing services:
 - i. A prior conviction for an offense as described in KRS 17.165(1) through (3);
 - ii. A prior felony conviction or diversion program that has not been completed;

- iii. A drug conviction, felony plea bargain, or amended plea bargain within the past five (5) years;
 - iv. Employees with a drug related conviction or an amended plea bargain within the past five (5) years must prove completion of all court ordered treatment and/or diversionary programs. The employing provider agency must conduct a random, six-panel drug screening within at the following frequency depending on the timeframe since conviction:
 - 1. Every ninety (90) days for employees who are three (3) years removed from his/her conviction.
 - 2. Every one-hundred eighty (180) days for employees three (3) to five (5) years removed from his/her conviction.
 - 3. Random drug screenings are not required for employees who are over five (5) years removed from his/her conviction.
 - v. Failing to pass a six-panel drug test;
 - vi. Has a conviction for abuse, neglect, or exploitation (ANE) as defined in Appendix G;
 - vii. Has substantiated finding of abuse, neglect or exploitation through adult protective services (APS) or child protective services (CPS);
 - viii. Prior substantiation of Medicaid fraud by the Office of Medicaid Fraud and Abuse Control, OIG or OAG; or
 - ix. Employees who have a driving under the influence conviction, amended plea bargain, or diversion in the past year shall not transport participants.
- E. The Department requires pre-employment background investigations for PDS employees. With the assistance of their PDCM, participants obtain and review the background investigation of their potential employee. It is the participant's responsibility, with assistance from the PDCM to determine if an individual is appropriate to provide services. If the individual meets criteria for exclusion by an agency as listed above, the participant must sign a form acknowledging they are aware of the individual's background and consent to having them provide services anyway. Although participants have the choice to hire employees with disqualifying events on their record, the Department does not allow for the following events to be excused:
- i. A conviction for ANE as defined in Appendix G;
 - ii. A substantiated finding of abuse, neglect or exploitation through APS or CPS;
 - iii. A prior substantiation of Medicaid fraud the Office of Medicaid Fraud and Abuse Control, OIG or OAG; or
 - iv. A prior conviction for an offense as described in KRS 17.165(1) through (3).
- F. The participant, as the employer, is responsible to ensure the potential hire meets qualifications. The cost of obtaining criminal background checks, drug testing, if the PDS participant to conduct drug screening, and all costs associated with securing employment

may be covered by the employee, employer or other interested third parties, such as immediate family members, friends, churches, local community organizations, etc.

- G. All employees, agency or PDS, must also undergo a risk assessment for tuberculosis per Department of Public Health guidelines found in 902 KAR 20:205.

B. Abuse Registry Screening. *Specify whether the State requires the screening of individuals who provide waiver services through a State-maintained abuse registry (select one):*

	No. The State does not conduct abuse registry screening.
X	Yes. The State maintains an abuse registry and requires the screening of individuals through this registry.

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

All employees of traditional service providers with contact with the participant and all PDS employees must submit to a screening using KARES or a combination of other state registries at the time of hire.

The KARES system conducts a fingerprint-based background check of Kentucky State Police (KSP) and Federal Bureau of Investigation (FBI) records and checks the Kentucky Nurse Aide and Home Health Abuse Registry, the Kentucky Caregiver Misconduct Registry, the Kentucky Child Abuse and Neglect (Central) Registry, Nurse Aide Abuse Registry, and the Federal List of Excluded Individuals/Entities (LEIE) list. The KARES system will also alert an employer of any new arrest findings after the date of hire listed in the KARES system. Employees listed in the KARES system must receive a yearly validation from their employer, which consists of the employer indicating within the KARES system the employee still works for them.

Traditional service agencies and PDS employers who chose not to use the KARES system must conduct screenings of the following registries:

1. AOC Background Check operated by Kentucky Court of Justice and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment;
2. Kentucky CAN Registry operated by the Cabinet and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment;
3. Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services; and
4. Nurse Aide Abuse Registry operated by the Kentucky Board of Nursing.

For traditional service providers who conduct screenings using the AOC, CAN, Nurse Aid Abuse Registry, and Caregiver Misconduct Registry, the agency must check, at random, twenty-five (25) percent of existing employees using the registries each year. Existing employees are those who have been employed by the agency for one (1) year or more. The Department reviews the findings of this check upon recertification of the provider and at provider billing reviews. PDS employees must undergo screenings at the time of hire and undergo recurring screenings every two years or more frequently at the PDS employer's discretion.

C-2: General Service Specifications (2 of 3)

C. **Services in Facilities Subject to §1616(e) of the Social Security Act.** *Select one:*

X	No. Home and community-based services under this waiver are not provided in facilities subject to 1616(e) of the Act.
	Yes. Home and community-based services are provided in facilities subject to 1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

C-2: General Service Specifications (3 of 3)

D. **Provision of Personal Care or Similar Services by Legally Responsible Individuals.** *A legally responsible individual is any person who has a duty under State law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the State, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. Select one:*

	No. The State does not make payment to legally responsible individuals for furnishing personal care or similar services.
X	Yes. The State makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) State policies that specify the circumstances when payment may be authorized for the provision of extraordinary care by a legally responsible individual and how the State ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the State policies specified here.

- The Department-approved form for hiring a legally responsible individual as a paid service provider must be submitted and approved prior to the individual providing waiver paid services.
- A legally responsible individual to a minor child is defined as a parent, stepparent, an adoptive parent, or a legally appointed guardian.
- A legally responsible individual to a participant age eighteen (18) or older is defined as a spouse, an appointed legal guardian, or other individual with legal authority to make decisions on behalf of a participant.
- Payment for provision of PDS shall be available to an individual who is legally responsible for a minor child enrolled in a waiver program when one of the following extraordinary conditions exist for the participant:
 - a. The minor child's level of dependency in performing activities of daily living, including the need for assistance with toileting, eating, or mobility, is directly related to his or her disability and exceeds that of his or her age matched peers; or
 - b. The minor child demonstrates destructive or injurious behaviors exceeding that of his or her age matched peers and such behaviors represent a risk of serious injury or death to self or others.
- In addition, at least one of the following circumstances must be identified and verified to necessitate use of the legally responsible individual as a PDS employee:
 - 1. Caregiving requirements to maintain the health and safety of the minor child in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment in the past and there is not an alternate caregiver in the home who is functionally able to provide care.
 - 2. The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional or PDS, but is unable to secure another provider or secure sufficient provider coverage for needed services.
 - 3. The minor child has a communication barrier exceeding that of his or her age matched peers that impacts his or her ability to effectively communicate needs and wishes to a care provider.
 - 4. The participant has a sincerely held religious belief and cannot secure traditional providers or PDS employees who are culturally competent or share the same religion.
- The approval of a legally responsible individual, or immediate family member or legal guardian does not guarantee payment of services and shall meet the service definition as outlined in Appendix C.
- Payment for provision of PDS for adults shall be made available to any qualified person, regardless of legal responsibility or familial relationship to the participant, including a

spouse, if at least one of the following circumstances has been identified and verified to necessitate use of the legally responsible individual as a PDS employee:

1. Caregiving requirements to maintain the health and safety of the participant in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment in the past and there is not an alternate caregiver in the home who is functionally able to provide care.
 2. The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional and PDS, but is unable to secure another provider or secure sufficient provider coverage for all care.
 3. The participant has a communication barrier that impacts his or her ability to effectively communicate needs and wishes to a care provider.
 4. The participant has a sincerely held religious belief and cannot secure traditional providers or PDS employees who are culturally competent or share the same religion.
- The approval of a legally responsible individual, or immediate family member or legal guardian does not guarantee payment of services and shall meet the service definition as outlined in Appendix C.

E. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians. *Specify State policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. Select one:*

	The State does not make payment to relatives/legal guardians for furnishing waiver services.
X	<p>Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.</p> <p><i>Specify the controls that are employed to ensure that payments are made only for services rendered.</i></p> <p>The Department-approved form for hiring a legally responsible individual as a paid service provider must be submitted and approved prior to the individual providing waiver paid services.</p> <p>A legally responsible individual to a minor child is defined as a parent, stepparent, an adoptive parent, or a legally appointed guardian.</p> <p>A legally responsible individual to a participant age eighteen (18) or older is defined as a spouse, an appointed legal guardian, or other individual with legal authority to make decisions on behalf of a participant.</p>

	<p>Payment for provision of PDS shall be available to an individual who is legally responsible for a minor child enrolled in a waiver program when one of the following extraordinary conditions exist for the participant:</p> <ol style="list-style-type: none"> 1. The minor child's level of dependency in performing activities of daily living, including the need for assistance with toileting, eating, or mobility, is directly related to his or her disability and exceeds that of his or her age matched peers; or 2. The minor child demonstrates destructive or injurious behaviors exceeding that of his or her age matched peers and such behaviors represent a risk of serious injury or death to self or others. <p>In addition, at least one of the following circumstances must be identified and verified to necessitate use of the legally responsible individual as a PDS employee:</p> <ol style="list-style-type: none"> 1. Caregiving requirements to maintain the health and safety of the minor child in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment in the past and there is not an alternate caregiver in the home who is functionally able to provide care; 2. The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional or PDS, but is unable to secure another provider or secure sufficient provider coverage for needed services; 3. The minor child has a communication barrier exceeding that of his or her age matched peers that impacts his or her ability to effectively communicate needs and wishes to a care provider; or 4. The participant has a sincerely held religious belief and cannot secure traditional providers or PDS employees who are culturally competent or share the same religion. <p>The approval of a legally responsible individual, or immediate family member or legal guardian does not guarantee payment of services and shall meet the service definition as outlined in Appendix C.</p> <p>Payment for provision of PDS for adults shall be made available to any qualified person, regardless of legal responsibility or familial relationship to the participant, including a spouse, if at least one of the following circumstances has been identified and verified to necessitate use of the legally responsible individual as a PDS employee:</p> <ol style="list-style-type: none"> 1. Caregiving requirements to maintain the health and safety of the participant in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment in the past and there is not an alternate caregiver in the home who is functionally able to provide care; 2. The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional and PDS, but is unable to secure another provider or secure sufficient provider coverage for all care;
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	<p>3. The participant has a communication barrier that impacts his or her ability to effectively communicate needs and wishes to a care provider; or</p> <p>4. The participant has a sincerely held religious belief and cannot secure traditional providers or PDS employees who are culturally competent or share the same religion.</p> <p>The approval of a legally responsible individual, or immediate family member or legal guardian does not guarantee payment of services and shall meet the service definition as outlined in Appendix C.</p> <p>PDS services provided by a legally responsible individual which are not eligible for reimbursement include elements of homemaking services as defined in the Appendix C.</p>
	<p>Other policy.</p> <p><i>Specify:</i></p>

- F. **Open Enrollment of Providers.** *Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:*

Provider enrollment is continuous and open to any willing and qualified individual or entity. The application process begins by contacting the Department Provider Enrollment through a toll-free phone number or accessing the MAP 811 provider enrollment form through the Cabinet website. The Department Provider Enrollment will refer any applicants who wish to serve a waiver program to the Department's Division of Community Alternatives (DCA) for certification. The provider must meet all qualifications, certification and licensing requirements set forth in Appendix C of this application for the service they seek to deliver. A potential provider must complete waiver population specific training provided by the Department during the application process and before billing for any service provided. CHFS is in the process of implementing a web-based process for enrolling providers. The full adoption date was May 1, 2019.

For existing providers who add a setting, the Department or its designee staff will evaluate the setting to ensure it meets certification requirements. The provider does not need to apply for a new provider number.

Appendix C: Participant Services

Quality Improvement: Qualified Providers

A. Methods for Discovery:

Methods for Discovery:	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>
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Sub-assurance:	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>					
Performance measure:	Percent of waiver providers that meet initial certification requirements prior to the furnishing of waiver services. N=Number of new providers who meet initial certification requirements prior to furnishing services. D=Number of new contracted providers. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Certification survey						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>
Sub-assurance:	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>
Performance measure:	Percent of providers who continue to meet certification requirements following initial enrollment. N=Number of providers who continue to meet certification requirements following initial enrollment. D=Number of existing contracted providers. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.

Data Source: Certification survey

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review

						Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

Methods for Discovery:	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>					
Sub-assurance:	<i>The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.</i>					
Performance measure:	Percent of PDS employees that meet initial personnel requirements prior to the furnishing of waiver services. N=Number of PDS employees who meet initial personnel requirements prior to furnishing services. D=Number of new PDS employees. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Provider records						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Representative Sample</i> <i>Confidence interval=</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i> <i>Specify:</i>
				<i>Other</i> <i>Specify:</i>		

Data Aggregation and Analysis				
	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>
Sub-assurance:	<i>The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.</i>
Performance measure:	Percent of PDS employees who continue to meet personnel requirements following initial enrollment. N=Number of PDS employees who continue to meet personnel requirements following initial enrollment. D=Number of existing PDS employees. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.

Data Source: Provider records						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review

						Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>
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Sub-assurance:	<i>The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver</i>					
Performance measure:	Percent of reviewed providers in which staff have successfully completed mandatory training annually. N=All reviewed providers whose staff have successfully completed mandatory training. D=Total number of reviewed providers. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Certification surveys						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>	X	<i>Representative Sample</i> <i>Confidence interval= 95% +/- 10%</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		
Data Aggregation and Analysis						

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The State currently verifies that 100% of all waiver providers are certified and/or licensed prior to rendering services. Providers who have completed the OIG process to receive a license are eligible to become a Medicaid provider. The State's OIG monitors them every three years and re-licenses them on a yearly basis. If a provider's license is revoked, the Department or its designee is notified by the OIG. The Department or its designee certifies licensed and non-licensed providers. The State does not contract with non-licensed or non-certified providers. The State implements its policies and procedures and provides for training as needed related to policy changes through letters, the Department website or by attending the various associations of each of the provider entities.

B. Method for Remediation/Fixing Individual Problems

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

If the provider agency has not provided or ensured training of their employees, the Department or its designee will follow policies and procedures as noted in the certified waiver provider regulation 907 KAR 2:015.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Other Specify:	X	Annually
			Continuously and Ongoing
			Other Specify:

C. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

x	No
	Yes <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

Appendix C-3: Waiver Services Specifications

Section C-3 "Service Specifications" is incorporated into Section C-1 "Waiver Services".

Appendix C-4: Additional Limits on Amount of Waiver Services

A. Additional Limits on Amount of Waiver Services:

X	Not applicable- <i>The State does not impose a limit on the amount of waiver services except as provided in Appendix C-3.</i>
	Applicable - <i>The State imposes additional limits on the amount of waiver services.</i>
	Limit(s) on Set(s) of Services. <i>There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.</i> <i>Furnish the information specified above.</i>

		<p>Prospective Individual Budget Amount. <i>There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.</i></p> <p><i>Furnish the information specified above.</i></p>
		<p>Budget Limits by Level of Support. <i>Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.</i></p> <p><i>Furnish the information specified above.</i></p>
		<p>Other Type of Limit. <i>The State employs another type of limit.</i></p> <p><i>Describe the limit and furnish the information specified above.</i></p>

Appendix C-5: General Service Specifications

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Including:

- 1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.*
- 2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.*

Note instructions at Module 1, Attachment #2, HCB Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.

Providers are monitored for compliance with federal Final Rule as part of the certification and monitoring process. Providers are monitored every two (2) years or more frequently if necessary. As part of the certification and recertification, providers are asked specific questions regarding federal Final Rule.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (1 of 8)

State Participant-Centered Service Plan Title: Person-centered Service Plan (PCSP)

- A. **Responsibility for Service Plan Development.** *Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (select each that applies):*

	Registered nurse, licensed to practice in the State
	Licensed practical or vocational nurse, acting within the scope of practice under State law
	Licensed physician (M.D. or D.O)
X	Case Manager <i>(qualifications specified in Appendix C-1/C-3)</i>
	Case Manager <i>(qualifications not specified in Appendix C-1/C-3).</i> <i>Specify qualifications:</i>
	Social Worker <i>Specify qualifications:</i>
	Other <i>Specify qualifications:</i>

D-1: Service Plan Development (2 of 8)

- B. **Service Plan Development Safeguards.** *Select one:*

	Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.
X	Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.

The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. Specify:

Case management shall be conflict free. Conflict free case management requires that a provider, including any subsidiary, partnership, not-for-profit, or for-profit business entity that has a business interest in the provider, who renders case management to the participant must not also provide another waiver service to that same participant, unless the servicing provider and

the case manager/participant-directed case manager are is the only willing and qualified provider in the geographical area thirty (30) miles from the participant's residence.

Participants may request an exception to this based on lack of qualified case managers (CM) or Participant-Directed Case Managers (PDCM) in remote areas of the State. The Department or its designee will ensure, on an individual basis, that participants who choose a case manager who could be conflicted will be free from undue influence when selecting a service provider. The CM/PDCM will need to upload a MAP-531 form requesting an exemption at the same time they upload the completed person-centered service plan (PCSP) to the Department-approved system. The form includes the following information:

1. Documentation, including denials, showing that there are no willing providers or CM/PDCMs within thirty (30) miles of the participant's home,
2. Documentation of conflict of interest protections,
3. An explanation of how CM/PDCM functions are separated within the same entity, and
4. Demonstration of the availability of a clear and accessible dispute resolution process that advocates for participants within a service or case management entity.

The Department or its designee will review the request for a conflict-free exemption. Reviewers will use the Department-approved process to verify there are no willing conflict-free service and willing case manager or PDCMs within thirty (30) miles of the participant's residence.

If the exemption requested via the Department-approved form is approved or denied, the PCSP will be returned to the case manager via the Department-approved system and the participant will be notified via a letter.

Participants are provided with a clear and accessible informal reconsideration process in cases when adverse decisions result from missing or inadequate documentation related to the initial request for exemption.

Administrative hearings will not be granted for participants who appeal a final determination where all documentation has been submitted and the ruling has been issued based on federal conflict free case management standards established in CMS 2296-F.

D-1: Service Plan Development (3 of 8)

- C. Supporting the Participant in Service Plan Development.** *Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.*

A PCSP shall be an individualized plan that is led by the participant and the participant's legal guardian or authorized representative, if applicable, and:

- a. Is collaboratively developed by:
 1. A waiver participant and a waiver participant's legal guardian or authorized representative, if applicable,
 2. The CM/PDCM, and

3. The participant's person-centered team, which is comprised of representatives from each waiver provider entity who provides services for the participant, and/or
 4. Any other person identified by the waiver participant or their authorized representative.
- b. Uses a process that:
1. Provides necessary information and support to empower the participant and the participant's legal guardian or authorized representative, if applicable, to direct the planning process and to have the freedom and support to control their own schedules and activities without coercion or restraint;
 2. Is timely and occurs at times and locations of convenience to the participant;
 3. Reflects cultural and educational considerations of the participant and is conducted by providing information in plain language and in a manner that is accessible to participants with disabilities and participants who have limited proficiency with the English language, consistent with 42 CFR 435.905(b);
 4. Offers informed choice, defined as choosing from options based on accurate and thorough knowledge and understanding, to the participant regarding the services and supports they receive and from whom; and
 5. Uses a process that provides support to the participant so the participant can lead the PCSP planning process and self-advocate for their goals, objectives, wishes, and needs to the maximum extent possible throughout the process.
- c. It is the responsibility of the CM/PDCM to provide detailed information to the participant and the participant's legal guardian and/or authorized representative, if applicable, regarding available waiver services and providers to meet their identified needs, driven by statewide provider information included in the Department-maintained provider directory. CMs/PDCMs can generate local lists from the directory to provide to the participant and have use of the directory to provide options counseling on available service providers. The CM/PDCM must ensure the information from the directory is made accessible to the participant.
- d. All individuals participating in the development and execution of the PCSP, including participants, any authorized representatives, the CM or PDCM, and all providers responsible for implementing services, must sign the PCSP to indicate their involvement and understanding of the plan's contents. The signatures will be recorded on the Department-approved form, uploaded to, and housed in the Department-approved system. The signatures should not be obtained until the person-centered planning process and the PCSP are complete.

CM/PDCM will provide detailed information to the participant about available non-waiver services that may assist in reaching their goals and objectives.

D-1: Service Plan Development (4 of 8)

- D. **Service Plan Development Process.** *In four pages or less, describe the process that is used to develop the participant centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):*

The enrollment notice sent to the participant advises the participant and the participant's legal guardian and/or authorized representative, if applicable, that they must select a CMHC to complete their functional assessment and a CM/PDCM to initiate service planning. The enrollment notice contains information on how to access information on CMHCs and case management agencies so that the participant may initiate contact.

Once the participant has selected a CMHC and a CM/PDCM, the entities must associate themselves in the Department-approved system.

The participant must contact the CMHC to schedule the assessment. The assessment must be completed and uploaded into the Department-approved system.

After completion and upload of the functional assessment, the CM/PDCM must begin the person-centered planning process.

Process for Developing a Person-Centered Service Plan

1. The person-centered planning process and development of the PCSP takes place as follows:
 - a. The first step is to clarify the needed individuals and their roles on the participant's person-centered team as defined in D-1-c. of this appendix. A participant is free to designate any family, friends, and other caregivers, both paid and unpaid, to participate in this process. The participant and the participant's legal guardian or authorized representative, if applicable, may remove any individuals at their discretion. The CM/PDCM must document the individuals included in the person-centered team on the Department-approved form and upload it to the Department-approved system. The CM/PDCM must document when a support is disinvited or removed from the person-centered planning team.
 - b. For the development of the initial PCSP, the full person-centered planning team participate. For the annual redetermination of the PCSP, the participant

and the participant's legal guardian or authorized representative, if applicable, has final authority to determine whether there is satisfactory team participation to conduct the PCSP annual review meeting. The CM/PDCM must document how information about the meeting was provided to absent members. Members of the person-centered planning team who do not attend the annual review meeting or who attend by phone must provide written documentation that they understand the contents of the PCSP and can support the participant's service needs at the requested amount, frequency, and duration.

- c. Once the person-centered planning team is confirmed, the CM/PDCM completes the primary activities:
 - i. The team collectively reviews the findings of the participant's functional assessment. This process includes documenting any non-Medicaid paid or unpaid supports, including information on the access and limitations of said supports, DAIL supports, and Medicaid State Plan services. For annual review meetings, the team should also review the participant's current PCSP.
 - ii. The team works collectively under the leadership of the participant and the participant's legal guardian or authorized representative, if applicable, to complete an additional review of the participant's person-centered planning needs and wishes to establish goals and objectives that enhance health, safety, and welfare, community-based independence, community participation, and quality of life. Not all goals and objectives must be accomplished using 1915(c) waiver funded services.
 - iii. The process of setting goals should include education and team support for the participant and the participant's legal guardian or the participant's authorized representative, if applicable. Goal and objectives must be:
 - Stated Clearly: The goal or objective should be understandable to the participant and in his/her own words.
 - Measurable: There should be markers of progress toward achieving a goal or objective that can be identified and quantified.
 - Attainable: The goal or objective should be broken into small and actionable steps. Barriers to achieving the goal or objective should be identified and a plan put in place to help mitigate those barriers.
 - Relevant: The goal or objective should be important to the participant. Steps toward the goal or objective should help the participant develop and use available resources to achieve it.
 - Time-Bound: There should be a defined period for when the participant is expected to achieve the goal or objective, keeping

in mind that reaching the goal or objective can take time and several steps. There should also be an agreed upon schedule in place for checking progress.

The CM/PDCM will provide detailed information to participants about available non-waiver services that may assist in reaching their goals and objectives.

- iv. Goals and objectives must be documented, along with an inventory of a participant's personal preferences, individualized considerations for service delivery (i.e. how to bathe, what preferred activities the participant might wish to partake in during community access, desired schedule for services, etc.), as well as information about the participant's needs, wants, and future aspirations.
 - v. The results of this conversation are to be included in the PCSP, which is housed in the Department-approved system. It must be signed by the participant and the participant's legal guardian or authorized representative, if applicable, the CM/PDCM, and all other individuals responsible for the implementation of services in order to demonstrate this information was collected, shared with all person-centered team members, and is accessible to inform ongoing development and implementation of the PCSP.
2. The CM/PDCM is required to provide options counseling and education on available service options to meet a participant's person-centered goals and objectives as established in Section D-1-d., using the process for educating the participant and other team members on service providers as described in Section D-1-c.
- a. Once a participant and the participant's legal guardian or authorized representative, if applicable, selects providers to deliver services pursuant to the frequency and amount, the CM/PDCM is expected to facilitate the referral process including, but not limited to, the attainment of the providers' signatures on the PCSP. The providers' signatures reflect their understanding of the contents of the PCSP and consent to deliver services as indicated in the plan, in accordance with the scope, amount and frequency of service, accommodating any person-centered preferences for service delivery documented in the PCSP.
 - b. The CM/PDCM is responsible to ensure that the scope, frequency, amount and duration of services falls within the allowable utilization criteria and limitations set by the Department, including those documented in Appendix C and clearly document any planned changes in utilization anticipated over the course of the year (i.e. anticipated change in utilization while a participant under the age of 18 is out of school for the summer, anticipated increases due to anticipated changes in caregiver availability, etc.).

- c. The CM/PDCM must maintain documentation showing that all needs identified through the functional assessment are addressed via unpaid supports or paid supports and that all paid services are appropriate in amount, duration, and frequency as identified by the functional assessment.
3. Once signatures have been secured from all required person-centered team members, including the participant and the participant's legal guardian or authorized representative, if applicable, the CM/PDCM, and all 1915(c) waiver funded service providers delivering PCSP included services, services may be initiated. The signatures should not be obtained until the person-centered planning process and the PCSP are complete.
 - a. Services rendered prior to signed attestation of understanding of the contents of the PCSP by these parties will not be reimbursed.
 - b. The participant's signature is intended to serve only as acknowledgement and understanding of the plan's contents. Signing the PCSP does not preclude the participant from grievance or appeal.

A. Initial Development of the Person-Centered Service Plan (for a new participant's first PCSP)

1. Once the assessment is complete and the participant chooses a case manager, the participant and the participant's legal guardian and/or authorized representative, if applicable, begins the process of developing the PCSP with CM/PDCM assistance.
2. Upon acceptance of a new participant, the CM/PDCM must conduct an initial home visit to begin the person-centered planning process.
3. Person-centered service planning and development of the PCSP should follow the steps described under "Process for Developing a Person-Centered Service Plan" in this section.

B. Annual Redetermination of the Person-Centered Service Plan

1. A participant's PCSP is recertified on an annual basis. Prior to the reviewing and modifying the PCSP,

he CM/PDCM is encouraged to co-attend and must review the annual functional assessment, which is housed in the Department-approved system. Should a CM/PDCM choose to attend the functional assessment, they are expected to support the participant in answering questions and not answer questions on his/her behalf or influence the participant's response or lack of response. The functional assessor is not to use information provided by a CM/PDCM that directly conflicts with assessment feedback provided by the participant.
2. The person-centered service planning can begin forty-five (45) calendar days prior to the end of the current LOC period. The PCSP must be completed and uploaded to the Department-approved system seven (7) calendar days prior to the end of the current LOC period. The LOC period is defined as the period spanning 364 calendar days from the date a participant is allocated a waiver spot in the Department-approved system. Person-centered service planning and development of the PCSP should follow the

steps described under “Process for Developing a Person-Centered Service Plan” in this section.

C. Event-Based Modification of the Person-Centered Service Plan

1. A participant and a participant’s legal guardian or authorized representative, if applicable, may request a modification to their PCSP due to changes in their condition or service needs at any time. Additionally, throughout the course of plan monitoring, the CM/PDCM is responsible to address instances when a modification to the PCSP may be appropriate. The CM/PDCM may not initiate any modification to the PCSP without the consent of the participant and the participant’s legal guardian or authorized representative, if applicable. The services providers affected by an event-based modification to the PCSP must be involved in the process as well.
2. Certain modifications or event-based circumstances may require completion of an updated functional assessment to assess changes in the participant’s needs and make necessary adjustments to the participant’s PCSP. The following circumstances could merit completion of a functional assessment outside of the annual assessment cycle:
 - a. Inpatient admission to an institutional care setting with changes at discharge in functional ability from previous assessment including:
 - i. Decreased functional ability in one or more activities of daily living, or
 - ii. Decreased functional ability in three or more instrumental activities of daily living.
 - b. A change in care setting that increases the participant’s level of care, including transitions between community-based settings such as moving from one home to another.
 - c. Long-term change in access to or ability of an unpaid caregiver(s).
 - d. Observed or reported changes that result in the inability of the participant to meet goals and objectives based on the current PCSP, and/or do not provide a level of service sufficient to address health, safety, or welfare concerns.
3. The CM/PDCM is responsible to initiate the event-based assessment in the Department-approved system.
4. The CM/PDCM will be responsible to review the updated assessment and share information about the assessment outcomes with the participant and the participant’s legal guardian or authorized representative, if applicable. The CM/PDCM will work with the participant, and any members of the participant’s person-centered team as requested by the participant, to modify the PCSP to address any requested or necessary modifications.
5. The updated PCSP must be signed by the participant and the participant’s legal guardian or authorized representative, if applicable, the CM/PDCM, and any new service providers or providers for whom the scope, amount, or duration of service has been adjusted from what was previously consented to. The signatures should not be

obtained until the person-centered planning process and the PCSP are complete. The modified PCSP will remain in effect until the end of the participant's original LOC year. The event-based functional assessment does not eliminate the need for a participant's annual PCSP redetermination. All providers delivering services will be notified via the Department-approved system when a participant's PCSP has changed and will be responsible to review changes and work with the participant's CM/PDCM and person-centered team to make any adjustments or deploy mitigation strategies to assure continuity of care.

D-1: Service Plan Development (5 of 8)

- E. Risk Assessment and Mitigation.** *Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.*

Participant needs are identified through the functional assessment and via person-centered planning meetings. If assessed needs cannot be met using 1915(c) and other community-based paid or unpaid services, if the participant chooses not to access services or address certain community-based needs, or environmental, health, safety or welfare risks are identified by any member of the person-centered planning team, risk mitigation efforts must occur and be documented by the participant's case manager. Risks must be documented in the Department-approved system. The CM/PDCM will assess the participant's individual risks by reviewing the participant's functional assessment, any critical incident reports, the participant's behavior support plan (if applicable), and through discussion with the person-centered planning team. When applicable, the following should be documented in the Department-approved system:

1. Medical diagnoses that may require emergency intervention.
2. Behaviors that could harm the participant's health, safety, and welfare or harm the health, safety, and welfare of others.
3. Emergency backups for paid caregivers who do not show up.
4. Any other identified or observable risks that could adversely affect the environment, health, safety, and welfare of the participant or pose a risk of harm to service providers.
5. Any identified risks related to the ability of a Participant-Directed Services (PDS) employee hired by the participant to fulfill his or her responsibilities as identified in the participant's person-centered plan and/or preserve the participant's health, safety and welfare.

Participants with legal decision-making authority have the right to accept risks. The participant's CM/PDCM is responsible to discuss risks with the participant and the participant's legal guardian or authorized representative, if applicable, and make sufficient efforts to engage the participant and the participant's person-centered team to develop risk mitigation strategies that reduce risks, particularly those adversely impacting health, safety, or welfare of the participant,

individuals with whom the participant resides, and those who interact with the participant in order to deliver the PCSP.

A participant's CM/PDCM must document the outcomes of risk mitigation strategies. Documentation must demonstrate due diligence in addressing risks with the participant and members of the person-centered team. If a participant refuses to engage in risk mitigation strategies and accepts risks, the CM/PDCM is responsible to assess the participant's understanding of risks and potential consequences. The CM/PDCM is responsible to educate the participant when risks impede the ability of providers to safely and effectively deliver services, which is a violation of a participant's signed rights and responsibilities form and must make participants aware of disruption or loss of service due to ongoing risks that are not mitigated. The CM/PDCM must proceed in this manner with any participants with an appointed legal guardian with decision-making authority.

If concern exists that a participant may not demonstrate understanding of risks and consequences, the CM/PDCM is expected to refer participants to child or adult protective services to address any possible self-neglect, caregiver neglect, or other abuse/neglect/exploitation issues that may exist. The CM/PDCM and all Medicaid funded providers are required to cooperate with protective service investigations. Findings of an investigation may prompt necessary adjustment to the PCSP, in which case the CM/PDCM should proceed with adjustment to the PCSP in accordance with the process outlined to make an event-based modification to the PCSP as established Section D-1c.D.1-5.

Additional risk mitigation occurs in response to critical incident investigation and remediation, as described in Appendix G.

D-1: Service Plan Development (6 of 8)

- F. Informed Choice of Providers.** *Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.*

The participant's CM/PDCM is required to provide information about available services including, but not limited to:

- Medicaid State Plan funded services, non-Medicaid paid or unpaid supports, and DAIL supports that may support the participant's home and community-based needs,
- Traditional, PDS, and blended options,
- Services available on their 1915(c) waiver and how they can assist the participant to advance goals as specified in the PCSP,
- Available service providers in the area,
- Understanding of freedom of choice, and
- DAIL supports.

Understanding of freedom of choice

The CM/PDCM is responsible for assisting the participant and the participant's legal guardian or authorized representative, if applicable, in choosing his or her providers of services specified in the PCSP. This assistance may include telephonic or on-site visits with participants and their families, assisting them in accessing the provider listing, answering questions about providers, and informing them or demonstrating use of the Partner Portal system and information housed within. CMs/PDCMs are trained by the Department or its designee to respond to participant inquiries regarding choice of provider in a manner that avoids conflict of interest and/or conveys personal, subjective opinion. The CM/PDCM will ensure, on an individual basis, that participants who have a conflicted case manager due to their geographic location, and have been approved to do so by the Department, will be free from undue influence regarding choice of providers and will document those efforts in case records housed in the Department-approved system.

D-1: Service Plan Development (7 of 8)

G. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.

Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

Upon completion of the PCSP, it is the responsibility of the CM/PDCM to submit the PCSP through the Department-approved system for review and service authorization. A service authorization shall not be issued without appropriate review and approval.

Once the complete PCSP is submitted, it will undergo system checks and, if indicated, it will be reviewed by the Department. If the PCSP is approved, the participant will receive a letter in the mail. A copy of the notification is also available in the Department-approved system. If the determination results in an adverse decision, the participant will receive an adverse decision notice, which informs of what was denied, why it was denied, and their right to an informal reconsideration and a fair hearing, via certified mail. The CM/PDCM is responsible for notifying providers of approval or denial of the completed PCSP.

D-1: Service Plan Development (8 of 8)

H. Service Plan Review and Update. *The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:*

	Every three months or more frequently when necessary
	Every six months or more frequently when necessary.
X	Every twelve months or more frequently when necessary
	Other schedule <i>Specify the other schedule:</i>

i. Maintenance of Service Plan Forms. *Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (check each that applies):*

X	Medicaid agency
	Operating agency
X	Case manager
X	Other Specify: Copies of the PCSP are retained in Department-approved system until after the participant's termination and then maintained electronically for five (5) years.

Appendix D-2: Service Plan Implementation and Monitoring

- A. **Service Plan Implementation and Monitoring.** *Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.*

The participant's CM/PDCM is responsible for the coordination and monitoring of all the participant's waiver services included in the PCSP and will assist in identifying and connecting the participant with non-waiver services. The CM/PDCM shall conduct face-to-face visits with the participant monthly, with at least one visit at the participant's current place of residence every three months. The visit must include input from the participant and the participant's legal guardian, authorized representative, or PDS representative, if applicable. For participants with communication barriers, the CM/PDCM must take steps to ensure the conversation is conducted in a way that is accessible to the participant. This could include arranging for an interpreter or a communication device.

The face-to-face contact must include discussions about:

- Progress toward PCSP goals, including any changes in goals or objectives,
- Satisfaction with services delivered via the PCSP,
- Confirming any new needs and addressing whether PCSP modification may be necessary,
- Review of utilization and cost of utilization,
- Any concerns with health, safety, and welfare, and/or risk mitigation needs, and

- Review of access to any additional community-based supports, including non-Medicaid funded services, to address where additional assistance or linkage may be needed.

The CM/PDCM is also responsible to use continued professional judgment in screening for evidence of possible abuse, neglect, or exploitation, and/or the possibility of an unreported critical incident. The participant's CM/PDCM must report all suspected critical incidents, including abuse, neglect, and exploitation concerns as defined in Appendix G.

All contact and monitoring activities, observations, and outcomes must be documented via monthly case notes housed in the Department-approved system.

B. Monitoring Safeguards. Select one:

	Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.
X	Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.

The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. Specify:

Providers for the participant, or those who have an interest in or are employed by a provider for the participant, must not provide case management or develop the PCSP. For participants who request an exception to this, the Department will require the CM/PDCM to provide the following to ensure the participant is free from undue influence:

1. Documentation showing that there are no willing service providers and CM/PDCMs within thirty (30) miles of the participant's home;
2. Documentation of conflict of interest protections;
3. An explanation of how CM/PDCM functions are separated within the same entity; and
4. Demonstration of the availability of a clear and accessible dispute resolution process that advocates for participants within service or case management entity.

Exemptions for conflict free case management shall be requested initially and upon reassessment or at least annually.

Appendix D: Participant-Centered Planning and Service Delivery

Quality Improvement: Service Plan

A. Methods for Discovery:

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>
Sub-assurance:	<i>Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.</i>
Performance measure:	Percent of service plans with documented risk mitigation information. N=number of service plans with a risk assessment that also have documented risk mitigation information. D=Number of service plans reviewed. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.

Data Source: Service plan documentation

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>	X	<i>Representative Sample</i> <i>Confidence interval=95% +/- 10%</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i> <i>Specify:</i>
				<i>Other</i>		

				Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
	X	Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>					
Sub-assurance:	<i>Service plans are updated/revised at least annually or when warranted by changes in the waiver participant's needs.</i>					
Performance measure:	Percent of participants whose service plans were updated and submitted prior to the annual redetermination date. N=Number of participants whose service plans were updated and submitted prior to annual redetermination date. D=Number of participants whose service plans were updated and submitted. The Dept will submit annual reports to CMS of quarterly data aggregated and reviewed by Department.					
Data Source: Service plan documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review

	X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
	X	Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>					
Sub-assurance:	<i>Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.</i>					
Performance measure:	Percent of records reviewed that demonstrate correct type, amount, scope and frequency of services were provided according to PCSP. N=Number of records that demonstrate correct type, amount, scope and frequency of services were provided according to PCSP. D=Number of records reviewed. The Department will submit annual reports to CMS of quarterly data aggregated and reviewed by the Department.					
Data Source: Service plan documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other	X	Annually		Stratified.

		<i>Specify: Delegated Entity</i>				<i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other Specify:</i>

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>
Sub-assurance:	<i>Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.</i>
Performance measure:	Percent of participants who received participant-directed services within the approved service limit. N=Number of participants who received participant-directed services within the approved service limit. D=Number of participants who received participant-directed services. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.
Data Source: Service plan documentation	

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
	X	Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually

				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>
Sub-assurance:	<i>Participants are afforded choice: Between waiver services and institutional care; and between/among waiver services and providers.</i>
Performance measure:	Percent of participant records with appropriately completed/signed freedom of choice form specifying choice offered between waiver services & institutional care, waiver services & waiver providers. N=# participant records with appropriately completed/signed freedom of choice form. D=# participant records. Dept will submit annual reports to CMS of quarterly data aggregated & reviewed by Dept.

Data Source: Service plan documentation

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Representative Sample</i> <i>Confidence interval=</i>
	X	<i>Other</i> <i>Specify:</i> <i>Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>

				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
	X	<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other Specify:</i>		X	<i>Annually</i>	
					<i>Continuously and Ongoing</i>	
					<i>Other Specify:</i>	

Methods for Discovery:	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>		
Sub-assurance:	<i>Participants are afforded choice: Between waiver services and institutional care; and between/among waiver services and providers.</i>		
Performance measure:	Percent of participants whose records contain confirmation of notification of the option to choose consumer directed options. N=Number of participants whose records contain confirmation of notification of the option to choose consumer directed options. D=Number of waiver participants. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by Department.		
Data Source: Service plan documentation			
	Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies)

	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
	X	Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other

				Specify:
--	--	--	--	----------

ii. *If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.*

The Department or its designee will review critical incidents and waiver services and Medicaid State Plan utilization for appropriate response to need. The Department will track, trend, and review grievances and complaints for system wide issues.

B. Method for Remediation/Fixing Individual Problems

- i. *Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

If the Department or its designee determines an identified need noted on the assessment has not been addressed on the PCSP, the Department or its designee will issue written notification to the provider requiring additional information as to how these needs will be addressed.

Identified individual problems are researched and addressed by the Department or its designee. If issues are noted, the Department will follow the policies and procedures as noted in 907 KAR 2:015.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
X	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Other Specify:	X	Annually
			Continuously and Ongoing
			Other Specify:

C. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

X	No
	Yes <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

Appendix E: Participant Direction of Services

Applicability (from Application Section 3, Components of the Waiver Request):

X	Yes. This waiver provides participant direction opportunities. Complete the remainder of the Appendix.
	<i>No. This waiver does not provide participant direction opportunities. Do not complete the remainder of the Appendix.</i>

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested (select one):

	Yes. The State requests that this waiver be considered for Independence Plus designation.
X	No. Independence Plus designation is not requested.

Appendix E: Participant Direction of Services E-1: Overview (1 of 13)

- A. **Description of Participant Direction.** *In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.*

Each waiver participant chooses between three service delivery options: traditional, participant-directed services (PDS), or a combination of the two known as blended services. If interested in the PDS or blended option, the participant completes a PDS Employer Responsibilities Review Tool. The tool identifies the PDS tasks a participant can perform independently and the PDS tasks that will require support from others. During person-centered planning meetings, the participant works with the Participant-Directed Case Manager (PDCM) to identify the services

he/she wants to self-direct. Participants who choose the PDS option are supported by their PDCM who takes on the following tasks:

- Educating the participant and the participant's legal guardian and/or authorized representative, if applicable, on the rights, responsibilities and risks of the PDS option,
- Assisting with the development of the PCSP,
- Assisting with the hiring and managing of employees, and
- Monitoring the participant's health, safety, and welfare and ensuring that services are delivered effectively and meet the participant's needs through monthly, face-to-face visits.

The participant also receives support with PDS from financial management services (FMS) entities. The FMS entities are responsible to help the participant with employee payroll and other financial activities related to the participant's employees. The participant can also choose a PDS representative to assist him/her with self-directing services. This individual helps the participant in fulfilling his/her duties as a PDS employer using person-centered principles.

A review and renewal of the PCSP, including service delivery options, with the participant and the participant's legal guardian and/or authorized representative takes place at least annually and can be modified more frequently as needs change.

Appendix E: Participant Direction of Services E-1: Overview (2 of 13)

B. **Participant Direction Opportunities.** *Specify the participant direction opportunities that are available in the waiver. Select one:*

X	Participant: Employer Authority. <i>As specified in Appendix E-2, Item a, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.</i>
	Participant: Budget Authority. <i>As specified in Appendix E-2, Item b, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.</i>
	Both Authorities. <i>The waiver provides for both participant direction opportunities as specified in Appendix E-2. Supports and protections are available for participants who exercise these authorities.</i>

C. **Availability of Participant Direction by Type of Living Arrangement.** *Check each that applies:*

X	Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.
---	--

	Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor
	The participant direction opportunities are available to persons in the following other living arrangements

Specify these living arrangements:

Appendix E: Participant Direction of Services E-1: Overview (3 of 13)

D. **Election of Participant Direction.** *Election of participant direction is subject to the following policy (select one):*

	Waiver is designed to support only individuals who want to direct their services.
X	The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.
	The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the State. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.

Specify the criteria:

Appendix E: Participant Direction of Services E-1: Overview (4 of 13)

E. **Information Furnished to Participant.** *Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.*

Each participant is afforded the choice of traditional, PDS, or blended services.

At the time of the initial person-centered planning meeting, during the annual redetermination of the PCSP, and as needed, the PDCM is required to provide the following to the participant's legal guardian or authorized representative:

- Information about PDS, traditional, and blended service options,
- Appropriate services based on assessed needs, and

- Selection of providers.

Participants are fully informed of the rights, responsibilities, and risks of all service delivery options, including serving as an employer in the PDS option and the supports offered by the PDCM to assist participants in executing their responsibilities as an employer. Participants and the participant's legal guardian or authorized representative, if applicable, should also be informed of the potential liabilities associated with participant direction, including the cost of pre-employment screenings for employees, fraud, and abuse. The PDCM must provide the information to participants in a format that is most appropriate and understandable for them, taking into account reading level and preferred method of communication. The PDCM must provide information in writing and verbally to the participant. After the initial person-centered planning meeting, the PDCM sets up the next person-centered planning meeting, where all individuals required for implementation of services, along with the participant and the participant's legal guardian or authorized representative, if applicable, are present and must sign the completed PCSP. Person-centered planning meetings are conducted at least annually and at any point of inquiry by the participant or participant's legal guardian/authorized representative, if applicable.

Participants and the participant's legal guardian or authorized representative, if applicable, are required to document their understanding of service delivery options. The PDCM also verifies this understanding using the Department-approved process, recording this information in the participant's PDS Employer Responsibilities Review Tool. The tool is used to:

1. Educate participants on employer authorities,
2. Facilitate review of participant's role and responsibilities, including a task specific breakdown, to effectively self-direct waiver services,
3. Allow participants to identify where they will need assistance with roles and responsibilities, and select their preferred source of assistance, and
4. Identify participant's needs to enhance or keep the participant independent.

The PDS Employer Responsibilities Review Tool is completed by the PDCM, participant, and the participant's legal guardian and/or authorized representative. The tool allows the participant to identify, at a task-specific level, which tasks he or she can conduct independently, and which tasks might or will require assistance from a designated representative, informal support, or the PDCM. The PDCM uses this tool upon initiation of PDS and annually to guide oversight and support activities and to discern the level of assistance that will need to be formally provided on a regular basis by the PDCM. The results of the PDS Employer Responsibilities Review Tool are housed in the Department-approved system.

Appendix E: Participant Direction of Services E-1: Overview (5 of 13)

- F. **Participant Direction by a Representative.** *Specify the State's policy concerning the direction of waiver services by a representative (select one):*

	The State does not provide for the direction of waiver services by a representative.
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X	The State provides for the direction of waiver services by representatives.
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Specify the representatives who may direct waiver services: (check each that applies):

X	Waiver services may be directed by a legal representative of the participant.
X	<p>Waiver services may be directed by a non-legal representative freely chosen by an adult participant.</p> <p><i>Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant.</i></p>
	<p>An adult waiver participant may freely choose a PDS representative to assist in directing waiver services as the participant needs. However, the PDS representative may not be hired as an employee to provide any of the participant's self-directed waiver services. The PDS representative must adhere to person-centered principles and fulfill the responsibilities as a PDS employer, demonstrating commitment to the goals and objectives established in the participant's PCSP and PDS Employer Responsibilities Review Tool. The PDS representative must complete training on fraud, abuse, neglect, and exploitation. The PDS representative must also sign the rights, risks, and responsibilities form annually. This form explains the rights and responsibilities of the waiver program and the consequences, which may include termination from the program, if they are not followed.</p> <p>The PDCM is responsible for monitoring the participant's PCSP and ensuring that needed services are being appropriately provided to the participant. If the PDCM has concerns that the PDS representative is not operating in the best interest of the participant, the PDCM shall work with the participant and PDS representative to establish a service improvement plan (SIP) for the PDS representative. If the issues continue, PDS service delivery will be terminated following the appropriate process described in section E-1-l and m of this application.</p> <p>Upon termination from the PDS program, the participant and the participant's legal guardian or authorized representative, if applicable, are provided with written information regarding the traditional program and available providers. The PDCM shall document the reason for the PDS option withdrawal, actions taken to assist the participant to develop a SIP, the outcomes, and the support provided in obtaining traditional services. A participant-directed service shall not be terminated until a traditional service provider is ready to provide services.</p> <p>If it is suspected that the participant's health, safety, and welfare is at risk, the PDCM immediately begins the process of determining steps and developing a SIP up to and including involuntary termination for PDS. The PDCM must also report any critical incidents, as defined in Appendix G.</p>

Appendix E: Participant Direction of Services E-1: Overview (6 of 13)

G. Participant-Directed Services. *Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.*

Waiver Service	Employer Authority	Budget Authority
Adult Day Health Care		
Attendant Care	X	
Case Management		
Community Access	X	
Day Training		
Environmental and Minor Home Modifications		
Financial Management Services	X	
Goods and Services		
Homemaking	X	
Non-specialized Respite	X	
Personal Assistance	X	
Positive Behavior Coaching		
Positive Behavior Planning		
Supported Employment		

Appendix E: Participant Direction of Services E-1: Overview (7 of 13)

- H. **Financial Management Services.** *Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. Select one:*

X	Yes. Financial Management Services are furnished through a third party entity. (Complete item E-1-i).	
	<i>Specify whether governmental and/or private entities furnish these services. Check each that applies:</i>	
	X	Governmental entities
		Private entities

	No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used. Do not complete Item E-1-i.
--	--

Appendix E: Participant Direction of Services E-1: Overview (8 of 13)

- I. **Provision of Financial Management Services.** *Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. Select one:*

X	FMS are covered as the waiver service specified in Appendix C-1/C-3 The waiver service entitled: Financial Management Services
	FMS are provided as an administrative activity.

Provide the following information:

- i. **Types of Entities:** *Specify the types of entities that furnish FMS and the method of procuring these services:*

Any certified waiver provider who meets the provider qualifications for FMS, as defined in Appendix C, can provide the service.
- ii. **Payment for FMS.** *Specify how FMS entities are compensated for the administrative activities that they perform:*

The Department compensates Financial Management Service providers based on a specified rate per month, per participant.
- iii. **Scope of FMS.** *Specify the scope of the supports that FMS entities provide (check each that applies):*

Supports furnished when the participant is the employer of direct support workers:

X	Assist participant in verifying support worker citizenship status
X	Collect and process timesheets of support workers
X	Process payroll, withholding, filing and payment of applicable federal, state and local employment-related taxes and insurance
X	Other <i>Specify:</i> FMS duties as specified in Appendix C

Supports furnished when the participant exercises budget authority:

	Maintain a separate account for each participant's participant-directed budget
--	---

	<i>Track and report participant funds, disbursements and the balance of participant funds</i>
	<i>Process and pay invoices for goods and services approved in the service plan</i>
	<i>Provide participant with periodic reports of expenditures and the status of the participant-directed budget</i>
	<i>Other services and supports</i> Specify:

Additional functions/activities:

	<i>Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency</i>
X	<i>Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency</i>
X	<i>Provide other entities specified by the State with periodic reports of expenditures and the status of the participant-directed budget</i>
	<i>Other</i> Specify:

- iv. **Oversight of FMS Entities.** *Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.*

All Financial Management Services entities are subject to annual reviews by the Department or its designee. This review shall include audits of submitted timesheets, reports of service utilization provided to PDCM or participant and participant's legal guardian or authorized representative, if applicable, and any other supporting documentation regarding payments issued as part of the financial management services. The audit shall identify any deficiencies and appropriate actions, including CAPs or penalties, to be taken by the Department or its designee to ensure compliance and appropriate payments.

Appendix E: Participant Direction of Services E-1: Overview (9 of 13)

- J. **Information and Assistance in Support of Participant Direction.** *In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or*

authorities) under which these supports are furnished and, where required, provide the additional information requested (check each that applies):

	Case Management Activity. Information and assistance in support of participant direction are furnished as an element of Medicaid case management services. Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:	
X	Waiver Service Coverage. Information and assistance in support of participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):	
	Participant Directed Wavier Service	Information and Assistance Provided through this Waiver Service Coverage
	Case management	X
	Financial management services	X
	Administrative Activity. Information and assistance in support of participant direction are furnished as an administrative activity. Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing performance:	

Appendix E: Participant Direction of Services E-1: Overview (10 of 13)

K. Independent Advocacy (select one).

X	No. Arrangements have not been made for independent advocacy.
	Yes. Independent advocacy is available to participants who direct their services. Describe the nature of this independent advocacy and how participants may access this advocacy:

Appendix E: Participant Direction of Services E-1: Overview (11 of 13)

L. **Voluntary Termination of Participant Direction.** Describe how the State accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the State assures continuity of services and participant health and welfare during the transition from participant direction:

A participant may voluntarily disenroll from PDS at any time.

The PDCM must meet with the participant to provide support and information on the impact of disenrolling from PDS and to offer any support that may be required to mitigate issues prompting the participant to request disenrollment.

The PDCM is responsible for informing the participant of the impacts and risks of disenrollment. If the participant still wishes to continue with disenrollment the PDCM will assist the participant, their legal guardian or authorized representative, if applicable, in locating traditional service providers to meet their needs, within seven (7) calendar days. The PDCM shall take action in locating traditional service providers within seven (7) calendar days of the participant's, their legal guardian's or authorized representative's, request to disenroll.

If the participant selects to terminate PDS, they may be subject to waiver program termination based on the following guidelines:

1. If a participant does not access any waiver services, outlined in the PCSP, for a period greater than sixty (60) consecutive calendar days without receiving an extension based on demonstration of good cause, the participant may be terminated from the waiver.
2. A one-time, sixty (60) consecutive calendar days extension may be granted in the event of good cause.
3. Good cause is defined as circumstances beyond the control of the participant that affects the participant's ability to access funding or services, which includes:
 - a. Illness or hospitalization of the participant that is not expected to last beyond the good cause extension, or
 - b. The participant and participant's legal guardian or authorized representative, if applicable, made diligent contact with a potential provider to secure placement or access services but has not been accepted within the sixty (60) consecutive calendar days' time period.

Appendix E: Participant Direction of Services E-1: Overview (12 of 13)

M. Involuntary Termination of Participant Direction. *Specify the circumstances when the State will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.*

The PDCM is responsible for monitoring the participant's PCSP and ensuring needed services are provided effectively to the participant to advance his or her goals and objectives, as identified in the PCSP. If services are not being provided as documented within the PCSP or if the PDCM has concerns that the participant's needs are not met, the PDCM shall work with the participant and the participant's legal guardian or authorized representative, if applicable, to create a service improvement plan (SIP) with the participant within fourteen (14) calendar days of identifying the service delivery issue. A SIP is developed to address issues that interfere with the delivery of PDS services, including but not limited to:

1. The participant does not comply with the PCSP, including over-utilization of services, or accessing unauthorized waiver services not included in the PCSP,

2. The participant and/or a family member, an employee, legal guardian or authorized representative consistently refuses services from a provider,
3. The participant and/or, a family member, an employee, legal guardian or authorized representative threatens, demonstrates abusive behavior towards a provider,
4. Imminent threat of harm to the participant's health, safety, or welfare is observed, or
5. The participant and/or, a family member, an employee, legal guardian or authorized representative interferes with the delivery of case management activities, as defined in Appendix C-1.

Immediate action may need to be taken in cases where health, safety, or welfare impacts are imminent.

The PDCM monitors the progress of the SIP and resulting outcomes. A SIP must be conducted over a minimum of thirty (30) calendar days to adequately address issues. If the participant is unable to resolve the issue or unable to develop and effectively implement the intended improvements stipulated in a SIP within ninety (90) calendar days of identification of the issue, the PDCM will issue a findings packet to the Department to determine if the participant should be terminated from PDS. PDS service delivery will be terminated through the appropriate process as follows:

1. The participant receives a letter notifying them of termination from the PDS option. The letter includes appeal rights as defined in Appendix F.
2. The participant and the participant's legal guardian or authorized representative, if applicable, are provided with information, regarding the traditional program and available providers, in a manner that is understandable to the participant. The PDCM assists the participant/authorized representative with identifying a traditional service provider they would like.
3. The PDCM coordinates with traditional providers to make sure that there are no lapses in service and that updates to the PCSP are made in a timely manner. The PDCM shall document the reason for the PDS option withdrawal, actions taken to assist the participant to develop a SIP and the outcomes, and the support provided in obtaining traditional services.
4. The participant is provided written notice of the option for an administrative hearing thirty (30) calendar days prior to the transition to traditional services.
5. If the participant cannot obtain a willing traditional provider within sixty (60) calendar days from the termination notice, he/she is discharged from waiver with Department approval. A one-time, sixty (60) calendar days extension may be granted in the event of good cause, as defined in E-1-I.
6. Additional and immediate action may be taken if the participant's health, safety, or welfare is at risk. The PDCM assists the participant in understanding

the risks and consequences and may immediately assist the participant in transferring to a traditional waiver provider of the participant's choice. The PDCM notifies the Department of the transfer and notifies other appropriate agencies and authorities of suspected abuse, safety, and neglect allegations through the proper channels and critical incident reports as described in Appendix G of this waiver application.

7. If substantiated by the Office of the Inspector General (OIG), cases of fraud may result in the participant's termination from PDS, the waiver, or Medicaid.

Appendix E: Participant Direction of Services E-1: Overview (13 of 13)

- N. **Goals for Participant Direction.** *In the following table, provide the State's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the State will report to CMS the number of participants who elect to direct their waiver services.*

Table E-1-n

	<i>Employer Authority Only</i>	<i>Budget Authority Only or Budget Authority in Combination with Employer Authority</i>
<i>Waiver Year</i>	<i>Number of Participants</i>	<i>Number of Participants</i>
<i>Year 1</i>	7500	
<i>Year 2</i>	7550	
<i>Year 3</i>	7600	
<i>Year 4</i>	7650	
<i>Year 5</i>	7700	

E-2: Opportunities for Participant Direction (1 of 6)

- A. **Participant - Employer Authority** *Complete when the waiver offers the employer authority opportunity as indicated in Item E-1-b:*
- i. **Participant Employer Status.** *Specify the participant's employer status under the waiver. Select one or both:*

	Participant/Co-Employer. <i>The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant- selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.</i>
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	<i>Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:</i>
X	Participant/Common Law Employer. <i>The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.</i>

- ii. **Participant Decision Making Authority.** *The participant (or the participant's representative) has decision making authority over workers who provide waiver services. Select one or more decision making authorities that participants exercise:*

X	<i>Recruit staff</i>
	<i>Refer staff to agency for hiring (co-employer)</i>
	<i>Select staff from worker registry</i>
X	<i>Hire staff common law employer</i>
X	<i>Verify staff qualifications</i>
X	<i>Obtain criminal history and/or background investigation of staff</i> <i>Specify how the costs of such investigations are compensated:</i>
X	<i>The participant, as the employer, is responsible to ensure the potential hire meets qualifications. The cost of obtaining criminal background checks, drug testing and all costs associated with training may be covered by the employee, employer or other interested third parties, such as family members, friends, churches, local community organizations, etc.</i>
X	<i>Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.</i>
X	<i>Determine staff duties consistent with the service specifications in Appendix C-1/C-3.</i>
X	<i>Determine staff wages and benefits subject to State limits</i>
X	<i>Schedule staff</i>
X	<i>Orient and instruct staff in duties</i>

X	<i>Supervise staff</i>
X	<i>Evaluate staff performance</i>
X	<i>Verify time worked by staff and approve time sheets</i>
X	<i>Discharge staff (common law employer)</i>
	<i>Discharge staff from providing services (co-employer)</i>
	<i>Other</i> <i>Specify:</i>

E-2: Opportunities for Participant-Direction (2 of 6)

- B. Participant - Budget Authority** *Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:*
- i. **Participant Decision Making Authority.** *When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. Select one or more:*

	<i>Reallocate funds among services included in the budget</i>
	<i>Determine the amount paid for services within the State's established limits</i>
	<i>Substitute service providers</i>
	<i>Schedule the provision of services</i>
	<i>Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3</i>
	<i>Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3</i>
	<i>Identify service providers and refer for provider enrollment</i>
	<i>Authorize payment for waiver goods and services</i>
	<i>Review and approve provider invoices for services rendered</i>
	<i>Other</i> <i>Specify:</i>

E-2: Opportunities for Participant-Direction (3 of 6)

C. Participant - Budget Authority

- i. **Participant-Directed Budget** *Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.*

The waiver does not offer budget authority. This section is not applicable.

E-2: Opportunities for Participant-Direction (4 of 6)

D. Participant - Budget Authority

- i. **Informing Participant of Budget Amount.** *Describe how the State informs each participant of the amount of the participant- directed budget and the procedures by which the participant may request an adjustment in the budget amount.*

The waiver does not offer budget authority. This section is not applicable.

E-2: Opportunities for Participant-Direction (5 of 6)

E. Participant - Budget Authority

- i. **Participant Exercise of Budget Flexibility.** *Select one:*

	Modifications to the participant directed budget must be preceded by a change in the service plan.
	The participant has the authority to modify the services included in the participant directed budget without prior approval. <i>Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:</i>

E-2: Opportunities for Participant-Direction (6 of 6)

F. Participant - Budget Authority

- i. **Expenditure Safeguards.** *Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:*

The waiver does not offer budget authority. This section is not applicable.

Appendix F: Participant Rights

Appendix F-1: Opportunity to Request a Fair Hearing.

Procedures for Offering Opportunity to Request a Fair Hearing. Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Participants are first informed of their right to an administrative hearing, the reconsideration, and the grievance processes during the initial face-to-face visit through distribution of the waiver welcome packet. Verification that the participant has been informed of their rights to an administrative hearing is obtained by signature of the participant on the Department-approved form. A participant may request assistance from their CM/PDCM to submit a request for an administrative hearing. If the participant does not have a CM/PDCM, or would prefer assistance from another party, the following entities may assist participants with filing an administrative hearing request:

- a. Office of the Ombudsman,
- b. Kentucky Protection and Advocacy,
- c. Office of Legal Support, and
- d. By calling the Medicaid Waiver Help Desk.

Materials provided to the participant include the participant's rights and process to request an administrative hearing in the event of one of the following adverse actions:

- a. Not providing a participant the choice of home and community based services as an alternative to institutional care,
- b. Denying a participant the service(s) of their choice, service delivery option of their choice, or the provider(s) of their choice, and/or
- c. Taking actions to deny, suspend, reduce, or terminate services.

All administrative hearings are handled by the Hearing and Appeals Branch of the Cabinet for Health and Family Services (Cabinet).

Participants who are denied level of care, suspension, reduction, or termination of services, or participant-directed services (PDS) employee exemptions are issued written notification of appeal rights at the time of adverse action. These rights are contained as a part of the adverse action notices issued by the Department or its designee. When this function is conducted by a designee, the Department or its designee will develop all templates and perform oversight activities to ensure timeliness and that the adverse action notice includes the following:

1. Appropriate denial or change information,
2. Administrative hearing rights,

3. Instructions for reconsideration or administrative hearing, and
4. Contact information to request assistance with a request for appeal.

All administrative hearing rights are outlined in 907 KAR 1:563 which requires written notification of appeal rights to the participant and stipulates that participants must request, in writing, an administrative hearing within thirty (30) calendar days of the date of the notification. Services will continue as previously indicated in the person-centered service plan (PCSP) prior to the adverse action if the request for an administrative hearing is made within ten (10) calendar days. The notices are generated electronically at the time of an adverse action, delivered, via certified mail, to the participant and the participant's legal guardian or authorized representative, if applicable, delivered electronically to the CM/PDCM, and recorded electronically in the Department-approved system.

Appendix F-2: Additional Dispute Resolution Process

- A. **Availability of Additional Dispute Resolution Process.** *Indicate whether the State operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. Select one:*

	No. This Appendix does not apply
X	Yes. The State operates an additional dispute resolution process

- B. **Description of Additional Dispute Resolution Process.** *Describe the additional dispute resolution process, including: (a) the State agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.*

1. A reconsideration is an optional process that provides the participant an opportunity to resolve the adverse action outside of the administrative hearing process while still retaining the option to pursue an administrative hearing in the future. The reconsideration is also the most efficient and quickest way to resolve an adverse action.
2. The participant may request an administrative hearing immediately following an adverse action notice or after they have pursued the reconsideration process. Furthermore, the reconsideration process is not a pre-requisite for an administrative hearing. Participants are first informed of the reconsideration process during the initial functional assessment, at the same time they are informed of the administrative hearing, and complaint and grievance process. Additionally, participants are informed of those processes annually upon re-assessment and in any adverse action notice.
3. The Department provides a reconsideration process. This process is operated by the Department or its designee. This reconsideration process is summarized in the following steps:

4. The provider, participant, or the participant's legal guardian/authorized representative acting on the participant's behalf can request a reconsideration.
 - a. A reconsideration request must be made in writing and can be submitted to the Department via U.S. Mail or by email. Participants with a disability that prevents them from submitting a request in writing can call the Department Division of Community Alternatives for assistance.
 - b. Reconsideration requests must be postmarked within fourteen (14) calendar days from the date of the written notice of adverse action.
 - c. Reconsideration requests postmarked or dated and timestamped more than fourteen (14) calendar days from the date of the written notice of adverse action are considered invalid. The individual making the request will receive an out of timeframe letter notifying them that the request was not made in the proper timeframe.
5. If a reconsideration request is made after the fourteen (14) calendar day timeframe ends, the provider, participant, or the participant's legal guardian/authorized representative acting on the participant's behalf can still request an administrative hearing.
 - The out of timeframe letter will explain the right to an administrative hearing and the process for requesting one as described in Appendix F-1.
 - A request for an administrative hearing must be made in writing and postmarked within thirty (30) calendar days of the initial written notice of adverse action. Requests for an administrative hearing cannot be made via email.
6. The Department or its designee will conduct the reconsideration, render a determination, and send a letter to the provider, participant and participant's legal guardian or authorized representative, if applicable, within the timeframe set forth in 907 KAR 1:563. If the adverse action is upheld, the letter will be sent via certified mail. If the adverse action is overturned, the letter will be postmarked within the timeframe referenced in 907 KAR 1:563.
7. If the reconsideration determination upholds or modifies the original decision resulting in an adverse action, the participant, the participant's legal guardian or the participant's authorized representative may request an administrative hearing. Information on how to request an administrative hearing is included in the reconsideration determination letter. The participant has thirty (30) calendar days from the reconsideration determination to request an administrative hearing. The request must be received or postmarked within thirty (30) calendar days of the reconsideration determination letter. If the request is received or postmarked within ten (10) calendar days of the reconsideration determination letter, previously approved services will continue until receipt of the final order. Administrative Hearings are handled by the Hearing and Appeals Branch of the Cabinet as described in section F-1.

Appendix F-3: State Grievance/Complaint System

A. Operation of Grievance/Complaint System. *Select One:*

	No. This Appendix does not apply
X	Yes. The State operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver

B. Operational Responsibility. *Specify the State agency that is responsible for the operation of the grievance/complaint system:*

1. Participants have the opportunity to register grievances and complaints concerning the provision of services by waiver providers.
2. The grievances and complaints system shall be operated by the Department for Medicaid Services (the Department).
3. Filing a grievance or complaint is not a pre-requisite or substitution for a reconsideration or administrative hearing.

C. Description of System. *Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

1. Waiver participants may register any grievance or complaint regarding waiver service provision or service providers by contacting the Department or its designee via the Medicaid Waiver Help Desk, via email, or via mail. A complaint or grievance can be submitted at any time. These complaints and grievances are documented in a central database administered by the Department. All complaints and grievances are tracked and trended by the Department to identify if additional provider trainings and participant education opportunities should be developed and conducted.
2. A complaint is an expression of dissatisfaction from the participant regarding some aspect of their 1915(c) waiver service delivery or experience that does not require follow up as determined by the categorization process described below.
3. A grievance is an expression of dissatisfaction from the participant due, in part or in full, to the failure of the Department, or a provider to adhere to established operating procedures, regulations, and waiver requirements. Grievances may require the Department or its designee to follow up and provide resolution as determined by the categorization process described below.

4. Upon receiving a complaint or grievance, the Department or its designee will immediately assess and categorize the gravity of the grievance or complaint and determine if an immediate response, timely response or acknowledgement of the grievance or complaint is required.
 - a. An immediate response is necessary if a participant's health, safety, or welfare are jeopardized. Grievances will be addressed, and the appropriate parties notified immediately of learning of the event. The Department will contact the participant via his/her preferred method of communication once the grievance is resolved and throughout the investigation as necessary.
 - b. The Department will provide a timely response if a grievance requires action to be taken but does not put the health, safety, or welfare of the participant in jeopardy. These responses will be addressed as soon as possible. Some action, including opening an investigation and notifying the appropriate parties, must be taken within seven (7) calendar days of receiving the grievance. Resolution of the grievance is dependent on the nature of the grievance and resolution is not required to occur within seven (7) calendar days. The Department or its designee will contact the participant via his/her preferred method of communication once the grievance is resolved.
 - c. If no action is necessary, the Department or its designee will document the complaint within the Department-approved system.
5. During this complaint/grievance assessment, the Department or its designee will determine if other agencies are responsible for licensure, certification, or monitoring of the provider and will notify or involve these agencies as appropriate. The Department will also determine if the grievance/complaint meets the definition of a critical incident as specified in Appendix G. If a critical incident has occurred, the Department will alert the appropriate parties and follow the process described in Appendix G of this waiver application.
6. Lastly, the Department will require all waiver service providers to implement policies and procedures to address participant complaints and grievances independently from the State complaint/grievance process. The providers are required to educate all participants regarding the procedure and provide adequate resolution in a timely manner. The provider grievances and appeals are monitored by the Department or its designee through certification and on-site monitoring during surveys, investigations, and technical assistance visits.

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events of Incidents

- A. **Critical Event or Incident Reporting and Management.** *Indicate whether the State operates Critical Event or Incident Reporting and Management Process that enables the State to collect information on sentinel events occurring in the waiver program. Select one:*

X	Yes. The State operates a Critical Event or Incident Reporting and Management Process <i>(complete Items b through e)</i>
	No. This Appendix does not apply <i>(do not complete Items b through e)</i> <i>If the State does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the State uses to elicit information on the health and welfare of individuals served through the program.</i>

B. State Critical Event or Incident Reporting Requirements

Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the State requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

1. The Commonwealth is responsible to provide a reporting process and investigation of cases of abuse, neglect, and exploitation (ANE) of waiver participants using 907 KAR 2:030, Incident Reporting and Participant Safeguards, and the following Kentucky statutes and administrative regulations:
 - a. "Abuse" as defined in KRS 209.020(8) and 922 KAR 5:070
 - b. "Sexual Abuse" as defined in KRS 600.020(58)
 - c. "Exploitation" as defined in KRS 209.020(9) and 922 KAR 5:070
 - d. "Neglect" as defined in KRS 209.020(16) and 922 KAR 5:070
2. The Department for Medicaid Services (the Department) requires the following additional incident types to be reported:
 - a. Serious injury
 - b. Death other than by natural causes
 - c. Other events that cause harm to an individual
 - d. Events that serve as indicators of risk to participant health and welfare (e.g., hospitalizations, medication errors, use of restraints or behavioral interventions)
3. The Department will continually monitor incident trends and patterns and may require additional incident types beyond those listed above as needed.
4. For organizational and prioritization purposes, the Department classifies incidents into non-critical incidents and critical incidents. Critical incidents are serious in nature and pose immediate risk to health, safety, or welfare of the waiver participant or others. Non-critical incidents are minor in nature and do not create a serious consequence or risk for waiver participants. Other sections of

this appendix describe the process for categorizing and investigating these incidents.

Identification of the individuals/entities that must report critical events and incidents:

1. Any individual who witnesses or discovers a critical or non-critical incident is responsible to report it. This includes, but is not limited to, all persons as defined in KRS 209.030(2) and KRS 620.030.

The timeframes within which critical and non-critical incidents must be reported:

2. Any individual who witnesses or discovers an incident should immediately take steps to ensure the participant's health, safety, and welfare, and notify the necessary authorities, including calling law enforcement and reporting any suspected ANE or financial exploitation to the Department for Community Based Services (DCBS). DCBS is part of the Cabinet for Health and Family Services (CHFS) and operates both Adult and Child Protective Services (APS and CPS).
3. For critical incidents, the participant's legal guardian/authorized representative shall be notified immediately following notifications to law enforcement and/or APS/CPS, unless he/she has suspected involvement. The Department defines "immediately" as making the notification as soon as possible but no later than eight (8) hours after the incident. The participant's case manager (CM) or participant-directed case manager (PDCM) shall also be notified immediately. A critical incident report shall be submitted to Department via the Department-approved system within eight (8) hours of the time the incident is witnessed or discovered, and no later than the next business day if it is witnessed or discovered outside of regular business hours. . The provider agency must begin its investigation into the critical incident immediately upon witnessing or discovering the incident and submit a full, written investigative report to the Department within ten (10) business days.
4. For non-critical incidents, the participant's legal guardian and/or authorized representative and CM/PDCM shall be notified within twenty-four (24) hours upon witness discovery of the incident. The Department shall be notified by the CM, PDCM, or provider via an incident report entered into the Department-approved system, or other approach approved by the Department. The Department shall be notified within twenty-four (24) hours upon witness or discovery of the incident (excludes State holidays). The provider agency shall identify the root cause and conduct risk mitigation. The provider agency describes its risk mitigation strategy on its initial report to the Department.
5. The Department or its designee reviews critical and non-critical incident summary data generated by the Department-approved system to identify systemic issues and conduct follow-up activities as warranted.

The method of reporting:

6. DCBS operates both a telephone hotline and an online system for reporting suspected ANE of an adult or child. Reporters can reach the Child Protection Hotline,

toll-free, at 1-877-597-2331 to report suspected ANE of both an adult and child. The phone line is staffed twenty-four (24) hours a day, seven (7) days a week including weekends and holidays. Reporters can also contact their local DCBS office to report suspected ANE.

7. There is also an online system for reporting suspected ANE. This system is available for reporting non-emergency situations that do not require an urgent response. The website is monitored from 8:00 a.m. to 4:30 p.m. EST, Monday through Friday. Reports are not reviewed on evenings, weekends, or State holidays. If a child or adult is at immediate risk of abuse or neglect that could result in serious harm or death, it is considered an emergency and should be reported to local law enforcement or 911.
8. Any person making such a report shall provide the following information, if known:
 - a. The name, age, and address or location where the child or adult can be found and/or any other person responsible for their care,
 - b. The nature and extent of the ANE, including any evidence of previous ANE,
 - c. The identity of the suspected perpetrator,
 - d. The name and address of the reporter, if they choose to be identified, and/or
 - e. Any other information that the person believes might be helpful in establishing the cause of the abuse, neglect, or exploitation.
9. Those who witness or discover a non-critical or critical incident shall report it to the Department using the Department-approved system. It is the provider's responsibility to contact all pertinent entities including but not limited to CM/PDCM, law enforcement, and protective services.

C. Participant Training and Education

Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

1. It is a responsibility of the participant's chosen CM/PDCM to ensure that the participant and their caregiver are educated about ANE and the methods available to report ANE. When a participant opts to employ Participant-Directed Services (PDS) workers, the PDCM is responsible to ensure that all workers employed by the participant are trained on mandatory reporting laws for ANE reporting.
2. During the CM/PDCM's initial visit with the participant, the CM/PDCM provides information and resources to the participant, the participant's legal guardian and/or authorized representative, if applicable, and anyone else designated by the participant regarding strategies to identify, prevent, report, and intervene in any instances or potential instances of ANE. Upon completion of this discussion, the

CM/PDCM reviews a Department-approved form developed by the Department with the participant. The participant signs this form, attesting to their understanding of ANE and how these critical incidents can be prevented, reported, and addressed. The CM/PDCM retains the original of this document and provides the participant and caregiver with a copy for their record. A copy is also uploaded to the Department-approved system and is available to the Department. Participants and their caregivers are asked to attest to their knowledge and training on ANE and critical incidents annually. A copy of contact information for appropriate protection agencies must be provided and explained to each participant and/or legal guardian/authorized representative, if applicable. Training and communication must be provided to participant in a manner that is appropriate for their learning style.

3. The PDCM is also responsible for monitoring and oversight of PDS employee training. The PDCM notifies the PDS employee of the Department mandatory trainings and the timeframe in which the employee must complete these trainings. PDS training is provided through Department-developed materials.
4. Depending upon the individual needs of each participant, additional training or information is made available and related needs are addressed in the participant's person-centered service plan (PCSP).
5. The Department requires all providers, both traditional and PDS, to complete training on ANE identification and reporting.

D. Responsibility for Review of and Response to Critical Events or Incidents

Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

1. The response below describes the Department's role in reviewing and responding to critical and non-critical incidents. The Department cooperates with other investigative agencies, including APS/CPS, operating agencies, and law enforcement, to complete investigative activities in a timely manner with minimal stress to the participant.

The entity that receives reports of each type of critical event or incident:

2. The Department shall be notified of any incident, critical or non-critical, via an incident report uploaded to the Department-approved system or other approach approved by the Department. Suspected ANE is also reported to DCBS.

The entity that is responsible for evaluating reports and how reports are evaluated:

3. Upon receiving the report, the Department becomes responsible for evaluating reports. The Department evaluates and classifies the report as a non-critical or critical incident. The Department may upgrade or downgrade an incident based on the report.
 - a. A non-critical incident shall:

- i. Be reviewed by the Department and appropriately classified as a critical or non-critical incident. The Department reserves the right to escalate any categorical non-critical incident to a critical incident as circumstances require,
 - ii. Be minor in nature and not create a serious consequence or risk for participants,
 - iii. Not require an on-site Department or its designee investigation and consist of only desk review, telephonic interview, etc., and
 - iv. Be investigated and reported on by the provider agency to the Department.
- 4. A critical incident shall:
 - i. Be reviewed by the Department or its designee appropriately classified as a critical or non-critical incident within two (2) business days and the investigative process will be initiated as appropriate,
 - ii. Be serious in nature,
 - iii. Pose immediate risk to health, safety, or welfare of the participant, co-residing participants, or others,
 - iv. Be investigated and reported on by the provider to the Department. An investigation report must be completed within ten (10) business days of the incident, and
 - v. Warrant an on-site Department investigation as needed.

The timeframes for conducting and completing an investigation:

1. Individuals who witness or discover an incident shall immediately ensure the participant's health, safety, and welfare, and contact the proper authorities, including law enforcement and/or APS/CPS.
2. For both critical and non-critical incidents, the participant's legal guardian/authorized representative and CM/PDCM shall be notified as soon as the above steps have been taken.
3. Once these steps have been taken, the provider agency initiates an investigation into the incident based on its classification as follows:
 - i. Non-Critical Incidents
 1. The provider agency is expected to identify the root cause and conduct risk mitigation. The provider agency describes its risk mitigation strategy on its initial report to the Department.
 2. The Department reviews non-critical incident reports. Based on the report's findings, the Department may require more

information or escalate the incident to a critical incident. If the non-critical incident is escalated to a critical incident, the critical incident processes below will be applied.

ii. Critical Incidents

1. Provider agencies must initiate investigations of critical incidents immediately upon witnessing or discovering the incident. The Department shall be notified, via an incident report entered into the Department-approved system, the same day if the incident is witnessed or discovered during business hours and the next business day if it is witnessed or discovered outside of business hours. The Department or its designee conducts a review of the critical incident. The Department or its designee may intervene when deemed necessary and conduct an investigation within fourteen (14) business days of notification if the incident involves physical abuse and neglect that results in death or potentially life-threatening or serious injury or illness. APS/CPS and/or law enforcement investigations may take longer. The Department will maintain a memorandum of understanding with APS/CPS regarding the results of investigations and will take appropriate action based on the final outcome. The provider must upload a complete investigative report on the critical incident within ten (10) business days of witness or discovery to the Department-approved system. This report only includes provider findings.
2. All waiver providers are expected to meet the standards set forth in their provider agreement with the Department, Department ANE training, Department waiver certification, and/or OIG licensure regarding ANE/critical incident investigations and reporting.

The entity that is responsible for conducting investigations and how investigations are conducted:

4. Providers conduct and upload investigations on critical incidents to the Department-approved system.
5. In opening and initiating an investigation, the Department or its designee contacts and coordinates with APS/CPS, law enforcement, and other responsible agencies immediately if needed. The Department or its designee may conduct investigations in coordination with these parties to ensure the participant's health, safety, and welfare.
6. The Department or its designee must also assist and support investigations in accordance with Kentucky statute and administrative regulations, including 922 KAR 1:330, 922 KAR 5:070, KRS 620.030, and KRS 209.030.
7. The Department or its designee will conduct an investigation using methods determined appropriate during the incident classification process, and will intervene to address imminent health, safety, or welfare concerns of a participant as deemed

necessary, based on the reporting and investigatory information obtained. As part of the investigation, the Department or its designee may interview parties involved in the incident including provider staff, participants, witnesses, or other parties. In addition, the Department or its designee may request and review medical reports, claims data, police reports, and other pertinent documentation to support The Department's investigation. If necessary, the Department or its designee may also conduct an on-site investigation to inspect the participant's environment at home or in a provider facility. If the investigation report results in documentation of regulatory non-compliance, a findings letter including citations, impositions of a corrective action plan (CAP), and/or sanctions is generated and sent to the provider agency via mail.

E. Responsibility for Oversight of Critical Incidents and Events

Identify the State agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

8. The Department is responsible to oversee reporting of and response to critical incidents affecting waiver participants. The Department or its designee staff will conduct an investigation and will intervene to address imminent health, safety, or welfare concerns of a participant as deemed necessary. The Department tracks and trends all incident reports. The Department or its designee may conduct follow-up monitoring visits, technical assistance, or provider training as needed, based on trend analysis. Trend analysis monitors the following data elements:
 - iii. Nature of the incident
 - iv. Frequency of incidents
 - v. Adherence to time standards
 - vi. CAP status
 - vii. High frequency providers
 - viii. Recurring participants
 - ix. Rate of unreported incidents identified via MMIS claims data
9. All incident reports are submitted through the Department-approved system or other approach approved by the Department.

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions

- A. **Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

X	The State does not permit or prohibits the use of restraints
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Specify the State agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

1. Kentucky recognizes that person-centered thinking and planning is key to prevention of risk of harm for all participants. It is the responsibility of all service providers to utilize person-centered thinking as a means of crisis prevention.
2. Kentucky is dedicated to fostering a restraint-free environment in all waiver programs. The Department prohibits the use of mechanical or chemical restraints, seclusion, manual restraints, including any manner of prone (breast-bone down) or supine (spine down) restraint, is prohibited.
3. The Department also prohibits the use of chemical restraints. The Department defines a chemical restraint as the use of a medication, either over the counter or prescribed, to temporarily control behavior or restrict movement or functioning of a participant and is not a standard treatment for the participant's medical or psychiatric diagnosis.
4. A psychotropic per required need (PRN) is a pharmacological intervention defined as the administration of medication for an acute episodic symptom of a participant's mental illness or psychiatric condition and is not considered a chemical restraint. All administration must adhere to a physician's order that shall include drug, dosage, directions, and reason for use. The PCSP, risk mitigation form, and behavior support plan, if applicable, shall incorporate the protocol for use of a psychotropic PRN and is applicable to participants in Department-approved provider sites. These are reviewed annually as part of the person-centered planning process or more often if needed.
5. The Department is responsible for oversight of the person-centered planning process which includes monitoring of case management reports, incident reports, and complaints. The continuous quality improvement process reveals trends, patterns, and remediation necessary to ensure proper implementation of the PCSP and participant safety.
6. Any interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior must be evaluated on at least an annual basis by a Human Rights Committee (HRC) If a participant's unanticipated violent or aggressive behavior places him/her or others in imminent danger, a restrictive intervention may be used as a last resort to maintain health, safety, and welfare.
7. State laws, regulations, and policies will be made available to CMS upon request through the Medicaid agency or the operating agency.

<p>The use of restraints is permitted during the course of the delivery of waiver services. Complete Items G-2-a-i and G-2-a-ii.</p>

A. **Safeguards Concerning the Use of Restraints.** *Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used*

as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Not applicable.

B. State Oversight Responsibility *Any incident of restraint or restrictive intervention is considered a critical incident and must be reported to DMS as articulated in G-1-b. If appropriate, the provider, CM/PDCM, or DMS may make a referral to the appropriate protective service agency. DMS incorporates this oversight into certification reviews, on-site monitoring, and investigations.*

Not applicable.

C. Use of Restrictive Interventions. *(Select one):*

	The State does not permit or prohibits the use of restrictive interventions
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Specify the State agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

The Department or its designee is responsible for detecting the unauthorized use of restrictive interventions. The Department or its designee incorporates oversight into on-site monitoring and review of critical incidents.

X	The use of restrictive interventions is permitted during the course of the delivery of waiver services Complete Items G-2-b-i and G-2-b-ii.
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D. Safeguards Concerning the Use of Restrictive Interventions. *Specify the safeguards that the State has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.*

Restrictive modifications allowing for restrictive interventions must be documented in the participant's PCSP. The provider seeking to implement a restrictive intervention must identify a specific and individually assessed need that necessitates the intervention, document the positive interventions and supports used prior to implementing a restrictive intervention in the PCSP, document less intrusive methods of meeting the need that have been attempted but did not address the underlying need, include a clear description of the condition that is directly proportionate to the specific assessed need, and include a time limit for review.

To include a restrictive modification in the PCSP, a person-centered planning meeting must take place to identify appropriate restrictive modifications for the individual participant prior to the delivery of the restrictive modification. The meeting includes the provider responsible for

implementing the restrictive intervention, the CM/PDCM, the participant and their legal guardian/authorized representative, if applicable, and any other person that the participant requests. The team ensures the restrictive modifications included in the PCPS are appropriate for the participant. The CM/PDCM coordinates this meeting and may escalate to Department. Department must review sound documentation that less restrictive attempts to teach and support the individual to make an informed choice are not effective. The rights restriction must include a plan to restore the individual's rights and should be reviewed at the frequency predetermined by the person-centered team in the PCSP but at a minimum every twelve (12) months. The CM/PDCM is responsible for including the information on the PCSP.

Ongoing use of the modification requires regular collection and monitoring of information and observations to measure the ongoing effectiveness of the modification, include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated, include the informed consent of the individual, include an assurance that interventions and supports will cause no harm to the individual.

Department reviews PCSPs as part of routine visits to providers. Through this process, Department can determine if providers need technical assistance.

E. State Oversight Responsibility. *Specify the State agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:*

Department is responsible for overseeing the use of restrictive modifications and assuring the Commonwealth safeguards are followed. Department conducts this oversight during bi-annual certification visits, on-site monitoring, and investigations. Department or its designee monitors PCSPs that include restrictive interventions and follow-up and provide technical assistance as needed.

F. Use of Seclusion. *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

X	The State does not permit or prohibits the use of seclusion
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Specify the State agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

The Department or its designee is responsible for detecting the unauthorized use of seclusion, as described in section G-2-a. The Department or its designee incorporates oversight into on-site monitoring and review of critical incidents.

Appendix G-3: Medication Management and Administration

This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock

responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.

a. **Applicability.** *Select one:*

	No. This Appendix is not applicable <i>(do not complete the remaining items)</i>
X	Yes. This Appendix applies <i>(complete the remaining items)</i>

2. **Medication Management and Follow-Up**

a. **Responsibility.** *Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.*

Entity (entities) that have responsibility for monitoring medication regimens:

1. Approved waiver providers are responsible for monitoring participant medication regimens in day service settings.

The methods for conducting monitoring of medication regimens:

1. Waiver providers are required to follow the guidelines indicated below for administration of medication:
2. Unless the employee is a licensed or registered nurse, ensure that staff administering medication:
 - i. Have Department-approved training on cause and effect and proper administration and storage of medication, documentation requirements, and appropriate disposal. Training must occur at time of hire, annually, and as needed. Attendance and competency must be documented and maintained in provider personnel records.
 - ii. Documentation of all medication administered, including self-administered, over-the-counter drugs, on a medication administration record (MAR), with the date, time, and initials of the person who administered the medication and supervisor's validation of appropriate administration and documentation through a process approved by the Department or its designee. The Department or its designee conducts certification every two (2) years or more frequently if necessary.
 - iii. Ensure the medication shall:
 1. Be kept in a locked cabinet or storage unit,
 2. Be kept in a pharmacy labeled container or original package with participant's name and expiration date,
 3. Be properly disposed of as needed,
 4. If a controlled substance, be kept under double lock, and

5. Documented by a cumulative monthly log with drug name and dosage with a daily medication count verified by two individuals with signature, title, date, and time.
- iv. In addition, waiver providers are required to have policy and procedures for on-going monitoring of medication administration, which must be approved by the Department or its designee.

Frequency of medication regimen monitoring:

A provider agency supervisor should verify appropriate administration of medication on a frequency approved by the Department or its designee during the provider certification and re-certification process. Licensed waiver providers are responsible for monitoring medication logs daily to ensure that medications are administered according to Department requirements and provider policies and procedures

b. *Methods of State Oversight and Follow-Up.* Describe: (a) the method(s) that the State uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the State agency (or agencies) that is responsible for follow-up and oversight.

- i. The Department or its designee is responsible for oversight of medication management practices by approved waiver providers. This oversight begins with review and approval of providers' policy and procedures for on-going monitoring of medication administration. The Department or its designee assesses medication administration policies, practices, and record-keeping, and necessary interventions employed, as part of the certification and on-site monitoring process, which occurs at least every two (2) years. In addition, all medication errors must be reported through the Department-approved system, as defined in G-1-d.
- ii. Providers deemed non-compliant with medication management requirements may receive technical assistance, CAPs, or sanctions depending on the frequency and severity of the non-compliant action.
- iii. The Department or its designee conducts additional evaluation and investigation for any medication error classified as a critical incident and any recurrent non-critical incidents classified as a critical incident.

3. *Medication Administration by Waiver Providers*

a. *Provider Administration of Medications.* Select one:

	<i>Not applicable.</i> (do not complete the remaining items)
X	<i>Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications.</i> (complete the remaining items)

- b. **State Policy.** Summarize the State policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
- i. Approved waiver providers may be responsible for medication administration. Those who choose to be responsible receive training on medication administration. G-3-b-I of this appendix describes the Department policy regarding medication regimen reviews by day service providers. In addition to these monitoring standards, the Commonwealth provides guidance to providers through State law, regulations, and policies. State laws, regulations, and policies will be made available to CMS upon request through the Medicaid agency or the operating agency.
- c. **Medication Error Reporting.** Select one of the following:

X	Providers that are responsible for medication administration are required to both record and report medication errors to a State agency (or agencies). Complete the following three items:
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1. Specify State agency (or agencies) to which errors are reported:
 - i. All errors are reported to the Department through the Department-approved system and investigated in accordance with section G-1-D of this appendix.
2. Specify the types of medication errors that providers are required to record:
 - ii. A medication error occurs when a waiver participant receives an incorrect drug, dose, form, quantity, route, concentration, or rate of administration from a direct service provider. A medication error is also defined as the variance of the administration of a drug on a schedule other than intended in the prescription instructions. Therefore, a missed dose or a dose administered more than one hour before or after the scheduled time constitutes a medication error. Providers must record two levels of medication errors while a participant is in their care as follows:
 - iii. Non-critical: Errors in prescribed medication or medication management by direct service providers that result in no or minimal adverse consequences and require no treatment or intervention other than monitoring or observation. For provider assisted medications (e.g., administering or cueing), medication errors only relate to medications included on the Medication Administration Record (MAR).
 - iv. Critical: Errors in prescribed medication or medication management by waiver providers that result in a significant adverse reaction requiring medical attention in an emergency room, urgent care center, or hospital. For provider assisted

medications (e.g., administering or cueing), medication errors only relate to medications included on the Medication Administration Record (MAR).

3. *Specify the types of medication errors that providers must report to the State:*

- i. All medication errors as defined in section G-3-c-iii-b must be reported to the State. Providers must report non-critical errors following the non-critical incident timeframes set forth in section G-1-B. Providers must report critical errors following the critical incident timeframes set forth in section G-1-B.

d. **State Oversight Responsibility.** *Specify the State agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.*

- i. The Department or its designee is responsible for monitoring waiver providers' performance in administration of medication. This oversight begins with review and approval of provider policy and procedures for on-going monitoring of medication administration. The Department or its designee assesses medication administration policies, practices, and record-keeping, and necessary interventions employed, as part of the certification, on-site monitoring, and incident reporting process, which occurs as deemed necessary by the Department or its designee. In addition, all medication errors must be reported through the Department-approved system and will be followed up on as warranted.

Appendix G: Participant Safeguards

Quality Improvement: Health and Welfare

a. **Methods for Discovery:**

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>		
Sub-assurance:	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>		
Performance measure:	% participants (or families/legal guardians) who recvd info how to report ANE/unexplained death. N=# participants (or families/legal guardians) received info how to report ANE/unexplained death when asked in participant satisfaction surveys. D=# participants in satisfaction surveys. Dept will submit ANE reports to CMS of quarterly data aggregated & reviewed by Dept.		
Data Source: Case Management Monitoring documentation			
	Responsible Party for data collection/generation	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies)

	(check each that applies):					
	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency		Weekly		
	X	Operating Agency		Monthly		

		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i> <i>Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>					
Sub-assurance:	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>					
Performance measure:	Percent of abuse, neglect, exploitation & unexplained death incidents rept in required timeframe. N=# critical incident reports of potential abuse, neglect, exploitation & unexplained death submitted in timeframe. D=# critical incident reports of potential abuse, neglect, exploitation & unexplained death. Dept will submit annual reports to CMS of quarterly data aggregated and reviewed by Dept.					
Data Source: Critical incident documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i> <i>Confidence interval:</i>

		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Representative Sample</i> <i>Confidence interval=</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		

Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i> <i>Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other Specify:</i>

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>					
Sub-assurance:	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>					
Performance measure:	Percent of abuse, neglect, exploitation & unexplained death incidents reviewed/investigated in required timeframe. N=# critical incident reports of potential abuse, neglect, exploitation & unexpected death reviewed/investigated in required timeframe. D=# critical incidents received. Dept will submit annual reports to CMS of the quarterly data aggregated and reviewed by Dept.					
Data Source: Critical incident documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>	X	<i>Representative Sample</i> <i>Confidence interval=95% +/- 10%</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>

				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
	X	<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other Specify:</i>		X	<i>Annually</i>	
					<i>Continuously and Ongoing</i>	
					<i>Other Specify:</i>	

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>
Sub-assurance:	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>
Performance measure:	Percent of abuse, neglect, exploitation and unexplained death incidents where provider required/recommended follow-up (corrective action plans/provider sanctions, etc.) was completed. N=# Department-required follow-ups completed by providers & submitted to Dept. D=# Dept-required follow-ups issued to providers. Dept will submit ann. reps to CMS of quarterly data aggregated & reviewed by Dept.

Data Source: Critical incident documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency	X	Monthly	X	Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
	Data Aggregation and Analysis					
Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):			

	X	State Medicaid Agency		Weekly
	X	Operating Agency	X	Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>
Sub-assurance:	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>
Performance measure:	% of ANE/unexplained death incidents referred to appropriate investigative entities (eg. Law Enforcement/APS/CPS) for follow-up. N=# ANE/unexplained death incidents referred to appropriate investigative entities (eg. Law Enforce/APS/CPS) for follow-up. D=# ANE/unexplained death incidents. Dept will submit annual reports to CMS of quarterly data aggregated reviewed by Dept.

Data Source: Critical incident documentation

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review

						Confidence interval: 95%
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
	X	Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>					
Sub-assurance:	<i>The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.</i>					
Performance measure:	Percent of critical incidents where root cause was identified. N=Number of critical incidents where root cause was identified. D=Number of critical incidents received. The Department will submit annual reports to CMS of the quarterly data aggregated and reviewed by the Department.					
Data Source: Critical incident documentation						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
	X	<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>	X	<i>Representative Sample</i> <i>Confidence interval=95% +/- 10%</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>

				<i>Continuously and Ongoing</i>		<i>Other Specify:</i>
				<i>Other Specify:</i>		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
	X	<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other Specify:</i>		X	<i>Annually</i>	
					<i>Continuously and Ongoing</i>	
					<i>Other Specify:</i>	

Methods for Discovery:	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>		
Sub-assurance:	The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.		
Performance measure:	Percent of critical incident reports that documented appropriately used restrictive interventions resulting from an emergency. N=# critical incident reports that documented appropriately used restrictive interventions resulting from an emergency. D=# CIs reported regarding use of restrictive interventions. Dept will submit annual reports to CMS of quarterly data aggregated & reviewed by Dept.		
Data Source: Critical incident documentation			
	Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies)

	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval=
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
	X	Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	
Methods for Discovery:	The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.					
Sub-assurance:	The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.					

Performance measure:	Percent of participants reviewed who received information and support to access Medicaid State Plan services identified in their PCSP. N=# of participants reviewed who received support to access Medicaid State Plan services. D=# participants in sample with Medicaid State Plan services identified in PCSP. Dept will submit annual repts to CMS of quarterly data aggregated & reviewed by Dept.					
Data Source: Participant survey						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review
	X	Operating Agency		Monthly	X	Less than 100% Review Confidence interval: 95%
		Sub-State Entity	X	Quarterly	X	Representative Sample Confidence interval=95% +/- 10%
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other		

				Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
	X	Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

- ii. Licensed provider agencies are reviewed every three years by OIG which includes the monitoring of the employee records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by the Department or its designee every two years or more frequently as required.
- iii. The Department or its designee performs first line monitoring and identifies deficiencies of the waiver provider. This monitoring includes, but not limited, to reviewing complaint logs, MARs, policies and procedures of providers for grievances and complaints, etc. During the monitoring the Department or its designee will review the procedures of the provider that train employees and ensure the health, safety, and welfare of the participants and review that incidents are reported appropriately.
- iv. The Department or its designee monitors the complaint process by examining complaint logs and the results of client satisfaction surveys.

- v. Providers must ensure that waiver participants have access to agency staff and know their case manager's name and contact information.
- vi. The Department requires providers to make the toll-free Fraud and Abuse Hotline telephone number of the OIG available to agency staff, waiver participants and their caregivers or legal representatives, and other interested parties; The purpose of this telephone Hotline is to enable complaints or other concerns to be reported to the OIG.

b. Method for Remediation/Fixing Individual Problems

- i. *Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

Licensed provider agencies are reviewed every three (3) years by the OIG which includes the monitoring of the employees records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by the Department or its designee. Should an enrolled provider not meet requirements to provide services, OIG would notify Program Integrity. The Department or its designee would follow processes as described in 907 KAR 2:015. The Department or its designee performs first line monitoring and audit reviews.

All documentation concerning the monitoring process for providers is kept for a period of five (5) years after the last claim is processed or the expiration/termination of the contract, whichever is sooner.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
X	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Other	X	Annually
	Specify:		

			Continuously and Ongoing
			Other Specify:

c. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

x	No
	Yes <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

Appendix H: Quality Improvement Strategy (1 of 2)

Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the State has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the State specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.

- *Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.*

CMS recognizes that a state's waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the State is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-

assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances;
- The remediation activities followed to correct individual problems identified in the implementation of each of the assurances;

In Appendix H of the application, a State describes (1) the system improvement activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent roles/responsibilities of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously assess the effectiveness of the OIS and revise it as necessary and appropriate.

If the State's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the State plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid State plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the State must be able to stratify information that is related to each approved waiver program. Unless the State has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the State must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

Appendix H: Quality Improvement Strategy (2 of 2)

A. System Improvement

- i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.
 - a. The Department or its designee collects data from a variety of sources to help understand the effectiveness and quality of its current waiver operations. The data collected provides meaningful insights and informs decisions related to process and systems improvement. The Department has defined its quality-related operational elements including data aggregation, measurement, and reporting activities which promotes consistent, rigorous quality management approaches that are institutionalized within Cabinet operations and culture. The Department determined what data should be collected based on several factors including; relevance to participant health and welfare, reliability of data, importance to the Department operational goals, ease and feasibility of data collection, among other factors. The information collected includes data from: LOC

determinations; service authorization, service and expenditure reports; individual plans and outcomes; incident reports; consumer surveys; monitoring visits; progress toward achieving corrective action plan goals; and recertification reviews.

- b. The Department analyzes the aggregate data based on established performance targets related to each data point. The Department evaluates data collected against these performance targets to identify performance gaps. As gaps are identified, the Department evaluates program-wide data in a manner that enables the Department to observe overarching trends and to “drill down” to observe differences among various geographies, waivers, subpopulations, etc. so that the Department can begin to understand potential root causes of performance patterns and variation. Subsequently, the Department identifies opportunities to improve operational processes based on performance gaps and trends. The Department prioritizes the process improvement to address performance gaps and trends based on the measure. The Department strategically identifies opportunities to enhance operational processes based on how the process can improve participant health and welfare, strengthen compliance with federal regulations and guidance, and improve efficiencies of staff resource use, among other factors.
- c. Implementation of system improvements is dependent on the performance gap. The Department will assess the performance gap and identify the root cause to be addressed. The Department or its designee, will develop a tailored implementation plan, identify needed staff, determine the steps, sequence, and timeline for system improvement so performance gaps can be addressed in a timely manner.

ii. System Improvement Activities

Responsible Party (check each that applies):		Frequency of Monitoring and Analyses (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Quality Improvement Committee	X	Annually
	Other		Other
	Specify:		Specify:

B. System Design Changes.

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the State's targeted standards for systems improvement.*
 - a. The Department continually monitors system design changes by evaluating the performance data pre- and post-implementation of system changes. The Department establishes performance goals when implementing systems redesign and regularly tracks the progress towards meeting these goals. The Department will monitor the implementation of system improvements through regularly schedule meetings, progress towards key milestone, and continuous monitoring of performance measures. The Department reserves the right to increase the frequency or number of measures collected during system change implementation to identify unforeseen impacts of the system change plan. The Department can modify its design changes based on outcomes indicated by its performance data. As new performance gaps arise, the Department prioritizes additional systems changes to address these gaps. The Department or its designee creates reports to track progress of these systems improvements and discusses progress with the appropriate parties. This process continues as the Department improves its operations to meet its program-wide goals.
- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.*
 - b. The Cabinet is shifting its approach to re-orient its quality management activities from the current compliance focus to one that recognizes the importance of both regulatory compliance and quality improvement to promote improved participant outcomes and other performance improvements. The Department is creating a quality strategy that mirrors this shift in approach. The Department has selected performance measures that allow the Department the ability to understand the effectiveness and quality of its current waiver operations. The data collected provides meaningful insights and informs decisions related to process and systems improvement. The Department regularly reviews each of its 1915(c) waiver operations and identifies opportunities to modify existing measures or add measures to appropriately monitor its operational effectiveness. In addition, the Department performs a formal annual review of its quality strategy and revises as needed.

H-2. Use of a Patient Experience of Care/Quality of Live Survey

- a. Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months (select one):

	No
X	Yes (complete item H.2.b

- b. Specify the type of survey tool the state uses:

	HCBS CAHPS Survey
X	NCI Survey
	NCI AD Survey
	Other (Please provide a description of the survey tool used):

Appendix I: Financial Accountability

Financial Integrity. *Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

- c. The Department for Medicaid Services (DMS) or its designee conduct annual utilization audits of all waiver providers. These audits include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a waiver participant. DMS or its designee shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service billed by the waiver provider. Comparison of payments to participant records, documentation and approved PCSP shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with approved PCSP, DMS will initiate recoupment of the monies. Additional billing reviews are conducted based on issues identified during certification surveys or investigations. DMS or its designee may require corrective action plans and/or recoupment monies for failing to meet audit requirements.
- d. The Department or its designee shall conduct annual audits of the financial management services (FMS) entities. These audits include a post-payment review of Medicaid reimbursement to the financial management agency for payment to the participant's employees through participant-directed opportunities. Auditing will be conducted through random sample of all participant directed -records. DMS or its designee shall utilize reports generated from MMIS reflecting each service billed for each participant by financial management agency. Comparison of payments to participant records, documentation and approved PCSP shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with the approved PCSP, DMS or its designee will initiate recoupment of the monies. Additional billing reviews shall be conducted based on issues identified during these post payment audits.

Appendix I: Financial Accountability

Quality Improvement: Financial Accountability

A. Methods for Discovery:

Methods for Discovery:	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>
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Sub-assurance:	<i>The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.</i>					
Performance measure:	% of claims coded and paid for in accordance with reimbursement methodology specified in approved waiver & only for services rendered on participant's plan of services. N=# claims coded and paid in accordance with methodology & only for services rendered on participant's plan of services. D=# claims coded & paid. Dept will submit annual reports to CMS of quarterly data aggregated & revwd by Dept.					
Data Source: Financial records (including expenditures)						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>	X	<i>Monthly</i>		<i>Less than 100% Review</i> <i>Confidence interval:</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Representative Sample</i> <i>Confidence interval=</i>
		<i>Other</i>	X	<i>Annually</i>		<i>Stratified.</i> <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i> <i>Specify:</i>

				Other		
				Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency			Weekly	
		Operating Agency		X	Monthly	
		Sub-State Entity		X	Quarterly	
		Other		X	Annually	
		Specify:				
					Continuously and Ongoing	
					Other	
					Specify:	

Methods for Discovery:	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>
Sub-assurance:	<i>The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.</i>
Performance measure:	Percent of waiver service claims reviewed that were submitted for participants who were enrolled in the waiver on the service delivery date. N=Number of

	waiver service claims that were submitted for participants who were enrolled in the waiver on the service delivery date. D=Number of waiver service claims. Dept will submit annual reports to CMS of quarterly data aggregated & reviewed by Dept.					
Data Source: Financial records (including expenditures)						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency Specify:		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
		Other	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
	X	Other Specify: MMIS	X	Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>		
Sub-assurance:	<i>The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.</i>		
Performance measure:	Percent of rates that remain consistent with the approved rate methodology throughout the 5 year waiver cycle. N=Number of rates that remain consistent with rate methodology throughout waiver period. D=Number of rates. Dept will submit annual reports to CMS of quarterly data aggregated & reviewed by Dept.		
Data Source: Financial records (including expenditures)			
	Responsible Party for data collection/generation	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies)

	(check each that applies):					
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency Specify:		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity		Quarterly		Representative Sample Confidence interval=
		Other	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
Data Aggregation and Analysis						
	Responsible Party for data aggregation and analysis (check each that applies):			Frequency of data aggregation and analysis (check each that applies):		
	X	State Medicaid Agency		Weekly		
	X	Operating Agency		Monthly		

		<i>Sub-State Entity</i>		<i>Quarterly</i>
	X	<i>Other</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The Department reviews and adds Edits/Audits to the MMIS periodically for program compliance and as policy is revised to ensure claims are not paid erroneously.

The Department reviews the CMS-372 report for accuracy prior to submission.

B. Method for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

The Department or its designee provides technical assistance to certified providers on an ongoing basis. Providers found out of compliance submit and are held to a corrective action plan (CAP). The Department or its designee perform trainings upon request of providers and provides technical assistance whenever requested. Should an enrolled provider fail to meet their CAP, the Department may terminate the provider's Medicaid enrollment and elevate issues to the Office of Inspector General (OIG) as they pertain to licensure.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity		Quarterly
X	Other Specify:	X	Annually
			Continuously and Ongoing
			Other Specify:

C. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

x	No
	Yes Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.

Appendix I-2: Rates, Billing and Claims (1 of 3)

- a. Rate Determination Methods.** In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different

methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

Rates were established through an independent cost study conducted by Navigant Consulting, Inc. (NCI), to determine costs associated with each service component. From February-May 2019, NCI administered a statewide provider cost and wage survey, requesting that providers across each of the Commonwealth's six 1915(c) home and community-based services waivers report wage and other cost information for their Fiscal Year 2018, as well as other program characteristics to support rate setting.

NCI employs an independent rate build-up approach, which considers median direct wages, payroll taxes, benefits, and employee-related expenses, as well as provider administrative and program support expenses, along with representative productivity rates for each service. This approach establishes a base rate that reflects wages of the direct care staff providing the service, as well as direct supervisory costs. Employee-related expenses, administrative and overhead expenses, and program support costs are calculated as a percentage of direct care wages, and then factored into the rate as a multiplier of the base wage rate. The rates also incorporate service-specific productivity factors, as well as facility, equipment, transportation, training and supply costs unique to certain types of services.

The data informing the rates derive from NCI's cost and wage survey, as well as benchmarks from the federal Bureau of Labor Statistics and other state and regional wage benchmarks. NCI's rate recommendations also utilized claims data from each waiver to anticipate utilization and evaluate fiscal impact in order to maintain budget-neutrality in regard to overall expenditures across all six 1915(c) waivers.

Stakeholders were afforded opportunities for public comment throughout the process, as a part of the announcement of the independent rate study, during and following release of the provider cost survey, and following public notice of NCI's rate recommendations. Along with general public comment opportunities, NCI's rate study was subject to monthly review and feedback from an advisory Rate Study Work Group, composed of provider representatives from all six waivers, as well as participant, advocate, and other state agency stakeholders.

- b. Flow of Billings.** *Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:*

Billings for waiver services shall flow directly from the waiver providers to the Commonwealth's MMIS.

Appendix I-2: Rates, Billing and Claims (2 of 3)

c. Certified Public Expenditures. (select one):

X	No. State or local government agencies do not certify expenditures for waiver services.
	Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid.

Select at least one:

	Certified Public Expenditures (CPE) of State Public Agencies.
--	--

Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-a.)

	Certified Public Expenditures (CPE) of Local Government Agencies.
--	--

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-b.)

Appendix I-2: Rates, Billing and Claims (3 of 3)

d. Billing Validation Process. Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

All waiver providers shall be enrolled with the Department for Medicaid Services (DMS), Program Integrity (PI), provider enrollment and have a signed contract on file. The Medicaid Management Information System (MMIS) has edits and audits established to prevent non-enrolled provider claims from processing. DMS or its designee shall conduct annual audits of all waiver providers. These audits shall include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a waiver participant. DMS shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service

billed by the waiver provider. Comparison of payments to participant records, documentation and approved person-centered service plan (PCSP) shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with approved PCSP, DMS shall initiate recoupment of the monies.

Appendix I-3: Payment (1 of 7)

a. Method of payments – MMIS. *Select One:*

X	Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).
	Payments for some, but not all, waiver services are made through an approved MMIS.

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

	Payments for waiver services are not made through an approved MMIS.
--	--

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

	Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.
--	--

Describe how payments are made to the managed care entity or entities:

Appendix I-3: Payment (2 of 7)

b. Direct payment. *In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (select at least one):*

	The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.
X	The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.

	The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.
--	---

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

	Providers are paid by a managed care entity or entities for services that are included in the State's contract with the entity.
--	--

Specify how providers are paid for the services (if any) not included in the State's contract with managed care entities.

Appendix I-3: Payment (3 of 7)

- c. Supplemental or Enhanced Payments.** *Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. Select one:*

X	No. The State does not make supplemental or enhanced payments for waiver services.
	Yes. The State makes supplemental or enhanced payments for waiver services.

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Appendix I-3: Payment (4 of 7)

- d. Payments to State or Local Government Providers.** *Specify whether State or local government providers receive payment for the provision of waiver services.*

X	No. State or local government providers do not receive payment for waiver services. Do not complete Item I-3-e.
	Yes. State or local government providers receive payment for waiver services. Complete Item I-3-e.

Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish:

Appendix I-3: Payment (5 of 7)

- e. Amount of Payment to State or Local Government Providers.** *Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. Select one: (If you answered “No.” in Appendix I-3-d, you do not need to complete this section.)*

Answers provided in Appendix I-3-d indicate that you do not need to complete this section

	The amount paid to State or local government providers is the same as the amount paid to private providers of the same service.
	The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.
	The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

Describe the recoupment process:

Appendix I-3: Payment (6 of 7)

- f. Provider Retention of Payments.** *Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. Select one:*

X	Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.
	Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State.

Appendix I-3: Payment (7 of 7)

g. Additional Payment Arrangements

i. Voluntary Reassignment of Payments to a Governmental Agency. Select one:

X	No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.
	Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).

Specify the governmental agency (or agencies) to which reassignment may be made.

ii. Organized Health Care Delivery System. Select one:

X	No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.
	Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

iii. Contracts with MCOs, PIHPs or PAHPs. Select one:

X	The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.
	The State contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

	This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.
	This waiver is a part of a concurrent §1115/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The <input type="checkbox"/> 1115 waiver specifies the types of health plans that are used and how payments to these plans are made.

Appendix I-4: Non-Federal Matching Funds (1 of 3)

- a. **State Level Source(s) of the Non-Federal Share of Computable Waiver Costs.** *Specify the State source or sources of the non-federal share of computable waiver costs. Select at least one:*

X	Appropriation of State Tax Revenues to the State Medicaid agency
	Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

	Other State Level Source(s) of Funds.
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Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

Appendix I-4: Non-Federal Matching Funds (2 of 3)

- b. **Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs.** *Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. Select One:*

X	Not Applicable. <i>There are no local government level sources of funds utilized as the non-federal share.</i>
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	Applicable <i>Check each that applies:</i>	
		Appropriation of Local Government Revenues.

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

		Other Local Government Level Source(s) of Funds.
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Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Appendix I-4: Non-Federal Matching Funds (3 of 3)

- c. **Information Concerning Certain Sources of Funds.** *Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. Select one:*

X	None of the specified sources of funds contribute to the non-federal share of computable waiver costs	
	The following source(s) are used <i>Check each that applies:</i>	
		Health care-related taxes or fees
		Provider-related donations
		Federal funds

Appendix I-5: Exclusion of Medicaid Payment for Room and Board

- a. **Services Furnished in Residential Settings.** *Select one:*

x	No services under this waiver are furnished in residential settings other than the private residence of the individual.
	As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual.

- b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings.** *The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:*

Appendix I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver.

Select one:

X	No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.
	Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

- a. Co-Payment Requirements.** *Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. Select one:*

X	No. The State does not impose a co-payment or similar charge upon participants for waiver services.
	Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services.

- i. **Co-Pay Arrangement.** Specify the types of co-pay arrangements that are imposed on waiver participants (check each that applies):

Charges Associated with the Provision of Waiver Services (if any are checked, complete Items I-7-a-ii through I-7-a-iv):

	Nominal deductible
	Coinsurance
	Co-Payment
	Other charge

Specify:

Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

- a. **Co-Payment Requirements.**

- ii. **Participants Subject to Co-pay Charges for Waiver Services.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

- a. **Co-Payment Requirements.**

- iii. **Amount of Co-Pay Charges for Waiver Services.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

- a. **Co-Payment Requirements.**

- iv. **Cumulative Maximum Charges.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

- b. **Other State Requirement for Cost Sharing.** *Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. Select one:*

X	No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.
	Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement.

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

Appendix J: Cost Neutrality Demonstration

Appendix J-1: Composite Overview and Demonstration of Cost-Neutrality Formula

Composite Overview. *Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.*

Level(s) of Care: ICF/IID

Year (Column A)	Factor D (Column B)	Factor D' (Column C)	Total: D+D' (Column D)	Factor G (Column E)	Factor G' (Column F)	Total: G+G' (Column G)	Difference: (D+ D') - (G +G') (Column H)
Year 1	\$ 28,610.03	\$8,797.00	\$37,407.03	\$341,219.00	\$8,296.00	\$349,515.00	\$312,107.97
Year 2	\$ 28,810.49	\$9,060.91	\$37,871.40	\$351,455.57	\$8,544.88	\$360,000.45	\$322,129.05
Year 3	\$ 29,011.29	\$9,332.74	\$38,344.03	\$361,999.24	\$8,801.23	\$370,800.46	\$332,456.44
Year 4	\$ 29,215.06	\$9,612.72	\$38,827.78	\$372,859.21	\$9,065.26	\$381,924.48	\$343,096.69

Year 5	\$ 29,419.6 7	\$9,901.1 0	\$39,320.7 7	\$384,044.9 9	\$9,337.2 2	\$393,382.2 1	\$354,061.4 4
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Appendix J-2: Derivation of Estimates (1 of 9)

- a. **Number of Unduplicated Participants Served.** *Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:*

Waiver Year (Column A)	Total Unduplicated Number of Participants (Column B)	Distribution of Unduplicated Participants by Level of Care (Column C)
		Level of Care:
		[Insert Level of Care]
Year 1	10500	
Year 2	10500	
Year 3	10500	
Year 4	10500	
Year 5	10500	

Appendix J-2: Derivation of Estimates (2 of 9)

- b. **Average Length of Stay.** *Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.*

The average length of stay is based on MMIS claims data for the period 07/01/2017 through 6/30/2018. The total days of waiver coverage was 3,562,713. Total unduplicated waiver participants was 9,963. Dividing total days of enrollment for all participants by the number of unduplicated participants yields an average days per waiver participant of 358. The average length of stay is expected to remain static in future years.

Appendix J-2: Derivation of Estimates (3 of 9)

- c. **Derivation of Estimates for Each Factor.** *Provide a narrative description for the derivation of the estimates of the following factors.*
- i. **Factor D Derivation.** *The estimates of Factor D for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*

Review of paid claims data for waiver participants for the period July 2017 through June 2018 including total units paid per service, total unduplicated users, total cost, average units of service and average cost. For re-designed services, utilization was based on the previous services that the new services would replace, adjusted for differences in units of service where appropriate. For both re-designed services and existing services with new rates, costs were calculated by multiplying the estimated units of service by the unit rate to determine expected expenditures. Expected users for waiver services that remained unchanged or slightly modified were determined based on historical utilization. For new services, estimated users and units per

user were based on utilization of prior services as well as the judgment of specialists with knowledge of the service needs of the targeted population.

- ii. **Factor D' Derivation.** *The Estimates of Factor D' for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*
The Factor D' is based on data from the CMS 372 TE Report for the period 09/01/2016 through 08/31/2017. The average per capita acute care services expenditures for acute care services to Waiver participants was calculated to be \$8,797.00. This per capita was trended forward to each Waiver Year using an annual medical costs trend factor of 1.0300.
- iii. **Factor G Derivation.** *The Estimates of Factor G for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*
The Factor G is based on data from the CMS 372 TE Report for the period 09/01/2016 through 08/31/2017. The average per capita institutional services expenditures was calculated to be \$341,219.00. This per capita was trended forward to each Waiver Year using an annual medical costs trend factor of 1.0300.
- iv. **Factor G' Derivation.** *The Estimates of Factor G' for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*
The Factor G' is based on data from the CMS 372 TE Report for the period 09/01/2016 through 08/31/2017. The average per capita acute care services expenditures for institutional participants was calculated to be \$8,296.00. This per capita was trended forward to each Waiver Year using an annual medical costs trend factor of 1.0300.

Appendix J-2: Derivation of Estimates (4 of 9)

Component management for waiver services. *If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select "manage components" to add these components.*

Service Type	Service
Statutory Service	Adult Day Health
Other Service	Attendant Care
Statutory Service	Case Management
Other Service	Community Access
Statutory Service	Day Training
Other Service	Environmental and Minor Home Modifications
Supports for Participant Direction	Financial Management Services
Other Service	Goods and Services
Statutory Service	Homemaking
Statutory Service	Non-Specialized Respite
Statutory Service	Personal Assistance

Other Service	Positive Behavior Coaching
Other Service	Positive Behavior Planning
Statutory Service	Supported Employment

Appendix J-2: Derivation of Estimates (5 of 9)

d. Estimate of Factor D.

- i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 1

WY 1						
Waiver Services/ Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
Adult Day Health						\$ 2,252,351.20
Adult Day Health	15 minutes	213.00	3478.43	\$3.04	\$2,252,351.20	
Attendant Care						\$ 56,811.84
Attendant Care	15 minutes	12.00	713.00	\$ 6.64	\$56,811.84	
Case Management						\$36,494,970.72
Case Management	Monthly	10149.00	10.38	\$346.32	\$36,494,970.72	
Community Access						\$32,186,381.54

Community Access	15 minutes	6240.00	736.87	\$ 7.00	\$32,186,381.54	
Day Training					\$12,518,925.03	
Day Training	15 minutes	1594.00	3231.01	\$2.43	\$12,518,925.03	
Environmental and Minor Home Modifications					\$1,127.00	
Environmental and Minor Home Modifications	Per event	3.00	1.00	\$375.67	\$1,127.00	
Financial Management Services					\$8,829,200.00	
Financial Management Services	Monthly	8389.00	10.52	\$97.20	\$8,829,200.00	
Goods and Services					\$388,292.95	
Goods and Services	Item	688.00	4.57	\$123.46	\$388,292.95	
Homemaking					\$ 32,518,895.54	
Homemaking	15 minutes	7971.00	582.81	\$7.00	\$32,518,895.54	
Non-Specialized Respite					\$3,054,317.07	
Non-Specialized Respite	15 minutes	1262.00	384.77	\$6.29	\$3,054,317.07	
Personal Assistance					\$130,999,454.14	
Personal Assistance	15 minutes	8420.00	2222.44	\$7.00	\$130,999,454.14	
					\$ 29,372,611.92	
Positive Behavior Coaching	15 minutes	2817.00	1740.72	\$5.99	\$29,372,611.92	
Positive Behavior Planning					\$ 11,128,248.00	
Positive Behavior Planning	15 minutes	2817.00	121.85	\$ 32.42	\$ 11,128,248.00	
Supported Employment					\$ 612,766.70	
Supported Employment	15 minutes	369.00	150.28	\$11.05	\$ 612,766.70	
				Grand Total:	\$300,405,353.64	
Total Estimated Unduplicated Participants:					10,500.00	
Factor D (Divide total number of Participants):					\$ 28,610.03	
Average Length of Stay on the Waiver:					358.00	

Appendix J-2: Derivation of Estimates (6 of 9)

e. Estimate of Factor D.

- ii. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 2

WY 2						
Waiver Services/Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
Adult Day Health						\$2,262,925.62
Adult Day Health	15 minutes	214.00	3478.43	\$3.04	\$ 2,262,925.62	
Attendant Care						\$ 56,811.84
Attendant Care	15 minutes	12.00	713.00	\$6.64	\$56,811.84	
Case Management						\$ 36,750,280.89
Case Management	Monthly	10220.00	10.38	\$346.32	\$36,750,280.89	
Community Access						\$ 32,413,336.79
Community Access	15 minutes	6284.00	736.87	\$7.00	\$32,413,336.79	
Day Training						\$12,605,316.61
Day Training	15 minutes	1605.00	3231.01	\$2.43	\$12,605,316.61	
Environmental and Minor Home Modifications						\$1,127.00
Environmental and Minor Home Modifications	Per event	3.00	1.00	\$375.67	\$1,127.00	
Financial Management Services						\$8,891,295.54
Financial Management Services	Monthly	8448.00	10.52	\$100.00	\$8,891,295.54	
Goods and Services						\$391,114.85
Goods and Services	Item	693.00	4.57	\$123.46	\$391,114.85	
Homemaking						\$32,747,355.97
Homemaking	15 minutes	8027.00	582.81	\$7.00	\$32,747,355.97	
Non-Specialized Respite						\$3,076,099.05
Non-Specialized Respite	15 minutes	1271.00	384.77	\$ 6.29	\$3,076,099.05	

Personal Assistance						\$131,908,320.75
Personal Assistance	15 minutes	8420.00	2222.44	\$7.00	\$131,908,320.75	
Positive Behavior Coaching						\$29,581,150.17
Positive Behavior Coaching	15 minutes	2837.00	1740.72	\$ 5.99	\$29,581,150.17	
Positive Behavior Planning						\$11,207,255.79
Positive Behavior Planning	15 minutes	2837.00	121.85	\$32.42	\$11,207,255.79	
Supported Employment						\$617,748.54
Supported Employment	15 minutes	372.00	150.28	\$11.05	\$ 617,748.54	
				Grand Total:	\$302,510,139.79	
		Total Estimated Unduplicated Participants:			10,500.00	
		Factor D (Divide total number of Participants):			\$28,810.49	
		Average Length of Stay on the Waiver:			358.00	

Appendix J-2: Derivation of Estimates (7 of 9)

f. Estimate of Factor D.

- iii. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 3

WY 3						
Waiver Services/Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
Adult Day Health						\$2,273,500.04
Adult Day Health	15 minutes	215.00	3478.43	\$3.04	\$2,273,500.04	
Attendant Care						\$ 56,811.84
Attendant Care	15 minutes	12.00	713.00	\$6.64	\$56,811.84	
Case Management						\$37,009,186.98
Case Management	Monthly	10292.00	10.38	\$346.32	\$37,009,186.98	
Community Access						\$32,640,292.04
Community Access	15 minutes	6328.00	736.87	\$7.00	\$32,640,292.04	
Day Training						\$12,691,708.19
Day Training	15 minutes	1616.00	3231.01	\$2.43	\$12,691,708.19	

Environmental and Minor Home Modifications					\$1,127.00	
Environmental and Minor Home Modifications	Per event	3.00	1.00	\$375.67	\$1,127.00	
Financial Management Services					\$ 8,953,391.87	
Financial Management Services	Monthly	8507.00	10.52	\$100.00	\$8,953,391.87	
Goods and Services					\$393,936.74	
Goods and Services	Item	698.00	4.57	\$123.46	\$393,936.74	
Homemaking					\$ 32,975,816.41	
Homemaking	15 minutes	8083.00	582.81	\$7.00	\$32,975,816.41	
Non-Specialized Respite					\$3,097,881.02	
Non-Specialized Respite	15 minutes	1280.00	384.77	\$6.29	\$3,097,881.02	
Personal Assistance					\$132,826,187.35	
Personal Assistance	15 minutes	8538.00	2222.44	\$7.00	\$132,826,187.35	
Positive Behavior Coaching					\$29,789,688.41	
Positive Behavior Coaching	15 minutes	2857.00	1740.72	\$5.99	\$29,789,688.41	
Positive Behavior Planning					\$11,286,263.59	
Positive Behavior Planning	15 minutes	2857.00	121.85	\$32.42	\$11,286,263.59	
Supported Employment					\$622,730.39	
Supported Employment	15 minutes	375.00	150.28	\$11.05	\$622,730.39	
				Grand Total:	\$304,618,521.87	
Total Estimated Unduplicated Participants:					10,500.00	
Factor D (Divide total number of Participants):					\$29,011.29	
Average Length of Stay on the Waiver:					358.00	

Appendix J-2: Derivation of Estimates (8 of 9)

g. Estimate of Factor D.

- iv. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 4

WY 4						
Waiver Services/Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
Adult Day Health						\$2,294,648.88
Adult Day Health	15 minutes	217.00	3478.43	\$3.04	\$ 2,294,648.88	
Attendant Care						\$ 56,811.84
Attendant Care	15 minutes	12.00	713.00	\$6.64	\$ 56,811.84	
Case Management						\$ 37,268,093.07
Case Management	Monthly	10364.00	10.38	\$346.32	\$37,268,093.07	
Community Access						\$32,867,247.30
Community Access	15 minutes	6372.00	736.87	\$7.00	\$32,867,247.30	
Day Training						\$12,778,099.76
Day Training	15 minutes	1627.00	3231.01	\$2.43	\$12,778,099.76	
Environmental and Minor Home Modifications						\$1,127.00
Environmental and Minor Home Modifications	Per event	3.00	1.00	\$375.67	\$1,127.00	
Financial Management Services						\$ 9,016,540.28
Financial Management Services	Monthly	8567.00	10.52	\$100.00	\$9,016,540.28	
Goods and Services						\$396,758.64
Goods and Services	Item	703.00	4.57	\$123.46	\$396,758.64	
Homemaking						\$33,208,356.50
Homemaking	15 minutes	8140.00	582.81	\$7.00	\$33,208,356.50	
Non-Specialized Respite						\$3,119,663.00
Non-Specialized Respite	15 minutes	1289.00	384.77	\$6.29	\$3,119,663.00	
Personal Assistance						\$ 133,759,611.01
Personal Assistance	15 minutes	8598.00	2222.41	\$ 7.00	\$133,759,611.01	
Positive Behavior Coaching						\$ 29,998,226.66

Positive Behavior Coaching	15 minutes	2877.00	1740.72	\$ 5.99	\$29,998,226.66	
Positive Behavior Planning						\$ 11,365,271.38
Positive Behavior Planning	15 minutes	2877.00	121.85	\$ 32.42	\$11,365,271.38	
Supported Employment						\$627,712.23
Supported Employment	15 minutes	378.00	150.28	\$ 11.05	\$627,712.23	
Grand Total:					\$306,758,167.54	
Total Estimated Unduplicated Participants:					10,500.00	
Factor D (Divide total number of Participants):					\$29,215.06	
Average Length of Stay on the Waiver:					358.00	

Appendix J-2: Derivation of Estimates (9 of 9)

h. Estimate of Factor D.

- v. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 5

WY 5						
Waiver Services/Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
Adult Day Health						\$ 2,315,797.71
Adult Day Health	15 minutes	219.00	3478.43	\$ 3.04	\$2,315,797.71	
Attendant Care						\$56,811.84
Attendant Care	15 minutes	12.00	713.00	\$ 6.64	\$ 56,811.84	
Case Management						\$37,530,595.07
Case Management	Monthly	10437.00	10.38	\$346.32	\$37,530,595.07	
Community Access						\$33,099,360.63
Community Access	15 minutes	6417.00	736.87	\$ 7.00	\$33,099,360.63	
Day Training						\$ 12,864,491.34
Day Training	15 minutes	1638.00	3231.01	\$ 2.43	\$12,864,491.34	
Environmental and Minor Home Modifications						\$ 1,127.00
Environmental and Minor Home Modifications	Per event	3.00	1.00	\$ 375.67	\$1,127.00	
Financial Management Services						\$ 9,079,688.69
Financial Management Services	Monthly	8627.00	10.52	\$ 100.00	\$9,079,688.69	
Goods and Services						\$ 399,580.54
Goods and Services	Item	708.00	4.57	\$ 123.46	\$ 399,580.54	
Homemaking						\$33,440,896.59
Homemaking	15 minutes	8197.00	582.81	\$ 7.00	\$33,440,896.59	
Non-Specialized Respite						\$ 3,141,444.97
Non-Specialized Respite	15 minutes	1298.00	384.77	\$6.29	\$3,141,444.97	
Personal Assistance						\$134,693,034.68
Personal Assistance	15 minutes	8658.00	2222.44	\$ 7.00	\$134,693,034.68	

Positive Behavior Coaching					\$30,206,764.90	
Positive Behavior Coaching	15 minutes	2897.00	1740.72	\$5.99	\$30,206,764.90	
Positive Behavior Planning					\$11,444,279.18	
Positive Behavior Planning	15 minutes	2897.00	121.85	\$32.42	\$11,444,279.18	
Supported Employment					\$632,694.07	
Supported Employment	15 minutes	381.00	150.28	\$ 11.05	\$632,694.07	
Grand Total:					\$308,906,567.21	
Total Estimated Unduplicated Participants:					10,500.00	
Factor D (Divide total number of Participants):					\$ 29,419.67	
Average Length of Stay on the Waiver:					358.00	